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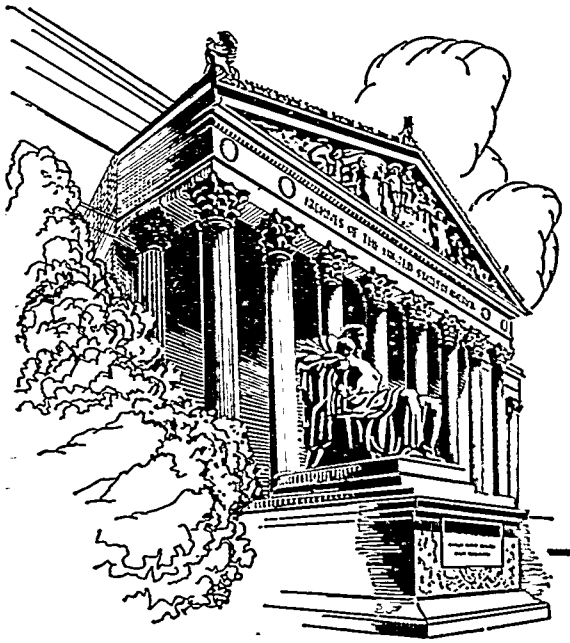

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(Codification Guide)

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A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1967, and specifies how they are affected.

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Title 3—THE PRESIDENT

Proclamation 3821

WRIGHT BROTHERS DAY, 1967

By the President of the United States of America

A Proclamation

December 17 will mark the 64th anniversary of powered flight.

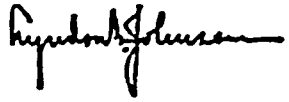
It is difficult to believe that two pioneering brothers, Orville and Wilbur Wright, made the first successful flight in a heavier-than-air, mechanically propelled airplane just a little over threescore years ago. Few developments in technology have been so rapid as that of flight—from the frail craft at Kitty Hawk to the great jet planes and space capsules of today.

The Wright brothers' epic flight—in a plane they designed, built, and flew themselves—lasted less than a minute. But their inventive genius revolutionized transportation, and gave rise to great new industries that have strengthened America's defense and economy.

The names of Orville and Wilbur Wright symbolize American ingenuity and courage, and it is right that we should commemorate their achievements. To this end, the Congress by a joint resolution approved December 17, 1963 (77 Stat. 402), has designated the seventeenth day of December of each year as Wright Brothers Day and has requested the President to issue annually a proclamation inviting the people of the United States to observe that day with appropriate ceremonies and activities.

NOW, THEREFORE, I, LYNDON B. JOHNSON, President of the United States of America, do hereby call upon the people of this Nation, and their local and national government officials, to observe Wright Brothers Day, December 17, 1967, with appropriate ceremonies and activities, both to recall the accomplishments of the Wright brothers and to provide a stimulus to aviation in this country and throughout the world.

IN WITNESS WHEREOF, I have hereunto set my hand this sixth day of December, in the year of our Lord nineteen hundred and sixty-seven, and of the Independence of the United States of America the one hundred and ninety-second.



[F.R. Doc. 67-14378; Filed, Dec. 7, 1967, 10:00 a.m.]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter XII—District of Columbia Redevelopment Land Agency

PART 2200—EMPLOYEE RESPONSIBILITIES AND CONDUCT

Miscellaneous Amendments

Pursuant to and in accordance with Executive Order 11222 (30 F.R. 6469) and 5 CFR 735.104, Chapter XII of Title 5 of the Code of Federal Regulations, consisting of Part 2200, is amended as follows:

I. Section 2200.735–102(e) is amended to read:

§ 2200.735–102 Definitions.

* * * * *

(e) "Division Head" means the head of a unit within the District of Columbia Redevelopment Land Agency designated as a Division by the Head of the Agency for the purposes of this part.

* * * * *

§ 2200.735–201a [Redesignated]

II. Present § 2200.735–201 is redesignated as § 2200.735–201a.

III. A new § 2200.735–201 is added as follows:

§ 2200.735–201 Proscribed actions.

An employee shall avoid any action, whether or not specifically prohibited by the regulations in this part, which might result in, or create the appearance of:

(a) Using public office for private gain;

(b) Giving preferential treatment to any person;

(c) Impeding Government efficiency or economy;

(d) Losing complete independence or impartiality;

(e) Making a Government decision outside official channels; or

(f) Affecting adversely the confidence of the public in the integrity of the Government.

§ 2200.735–201 [Amended]

IV. Present § 2200.735–201(c) is deleted.

V. Present § 2200.735–201(d), redesignated as § 2200.735–201a(c), is amended to read as follows:

(c) An employee shall not solicit a contribution from another employee for a gift to an official superior, make a donation as a gift to an official superior, or accept a gift from an employee receiving less pay than himself (5 U.S.C. 7351). However, this paragraph does not prohibit a voluntary gift of nominal value or donation in a nominal amount made on a special occasion such as marriage, illness, or retirement.

VI. Present § 2200.735–201(e), redesignated as § 2200.735–201a(d), is amended to read as follows:

(d) An employee shall not accept a gift, present, decoration, or other thing from a foreign government unless authorized by Congress as provided by the Constitution and in Public Law 89–673, 80 Stat. 952.

VII. A new § 2200.735–201a(e) is added as follows:

(e) Neither this section nor § 2200.735–202 precludes an employee from receipt of bona fide reimbursement, unless prohibited by law, for expenses of travel and such other necessary subsistence as is compatible with this part for which no Government payment or reimbursement is made. However, this paragraph does not allow an employee to be reimbursed, or payment to be made on his behalf, for excessive personal living expenses, gifts, entertainment, or other personal benefits, nor does it allow an employee to be reimbursed by a person for travel on official business under agency orders when reimbursement is proscribed by Decision B–128527 of the Comptroller General, dated March 7, 1967.

§ 2200.735–202 [Amended]

VIII. The heading of § 2200.735–202 is amended to read:

§ 2200.735–202 Outside employment and other activity.

IX. Section 2200.735–202(e)(1) is deleted, and §§ 2200.735–202(e)(2) and 2200.735–202(e)(3) are redesignated §§2200.735–202(e)(1) and 2200.735–202(e)(2), respectively.

§ 2200.735–209 [Amended]

X. Section 2200.735–209(d) is amended to read:

(d) The prohibitions against disloyalty and striking (5 U.S.C. 7311, 18 U.S.C. 1918).

XI. Section 2200.735–209(g) is amended to read:

(g) The prohibition against the misuse of a Government vehicle (31 U.S.C. 638(c)).

XII. Section 2200.735–209(p) is amended to read:

(p) The prohibitions against political activities in Subchapter III of Chapter 73 of Title 5, United States Code and 18 U.S.C. 602, 603, 607, and 608.

XIII. A new § 2200.735–209(q) is added as follows:

(q) The prohibition against an employee acting as the agent of a foreign principal registered under the Foreign Agents Registration Act (18 U.S.C. 219).

XIV. Section 2200.735–304(b) is amended to read:

§ 2200.735–304 Gifts, entertainment, and favors.

* * * * *

(b) Exceptions for special Government employees shall be the same as for employees (see § 2200.735–201a(b)).

XV. Section 2200.735–401 is amended to read:

§ 2200.735–401 Form and content of statements.

The statements of employment and financial interests required under this subpart for use by employees and special Government employees shall contain, as a minimum, the information required by the formats prescribed by the Civil Service Commission in the Federal Personnel Manual. The Agency shall not include questions on a statement of employment and financial interests that go beyond, or are in greater detail, than those included on the Commission's formats without the approval of the Commission.

XVI. Section 2200.735–402 is amended to read:

§ 2200.735–402 Employees required to submit statements.

Except as provided in § 2200.735–402(b), statements of employment and financial interests shall be required from:

(a) Employees GS–13 and above who are Division Heads, or the superiors of Division Heads.

(b) Employees classified at GS–13 or above under section 5332 of Title 5, United States Code, or at a comparable pay level under any other authority, who hold positions which vest them with responsibility for making a Government decision or taking a Government action in regard to:

(1) Contracting or procurement, including the appraisal or selection of contractors; the negotiation or approval of contracts; the supervision of activities performed by contractors; the inspection of materials for acceptability; the procurement of materials, services, supplies, or equipment;

(2) Administering or monitoring grants (or subsidies) or relocation payments;

(3) Audit of financial transactions;

(4) Regulating or auditing private or other non-Federal enterprises;

(5) Land acquisition and disposition;

(6) Establishment and enforcement of safety standards and procedures systems; and

(7) Other activities where the decision or action has an economic impact on the interests of a non-Federal enterprise.

XVII. A new § 2200.735–402a is added as follows:

§ 2200.735–402a Employee's complaint on filing requirement.

An employee who complains that his position has been improperly included under this part as one requiring submission of a statement of employment and

financial interests shall have opportunity to have his complaint reviewed through the Agency's grievance procedure as set forth in the Employee Manual.

XVIII. A new § 2200.735–402b is added as follows:

§ 2200.735–402b Employees not required to submit statements.

Employees in positions that meet the criteria in paragraph (b) of § 2200.735–402 may be excluded from the reporting requirement when the Head of the Agency determines that:

(a) The duties of a position are such that the likelihood of the incumbent's involvement in a conflict-of-interest situation is remote;

(b) The duties of a position are at such a level of responsibility that the submission of a statement of employment and financial interests is not necessary because of the degree of supervision and review over the incumbent or the inconsequential effect on the integrity of the Government; or

(c) The use of an existing or alternative procedure approved by the Civil Service Commission is adequate to prevent possible conflicts of interest.

XIX. Section 2200.735–404 is amended to read:

§ 2200.735–404 Supplementary statements.

Changes in, or additions to, the information contained in an employee's statement of employment and financial interests shall be reported in a supplementary statement as of June 30, each year. If no changes or additions occur, a negative report is required. Notwithstanding the filing of the annual report required by this section, each employee shall at all times avoid acquiring a financial interest that could result, or taking an action that would result, in a violation of the conflict-of-interest provisions or section 208 of Title 18, United States Code, or Subpart B of this part.

XX. Section 2200.735–408 is amended to read:

§ 2200.735–408 Confidentiality of employees' statements.

The Agency shall hold each statement of employment and financial interests, and each supplementary statement, in confidence. To insure this confidentiality, the Head of the Agency shall designate which employees are authorized to review and retain the statements. Employees so designated are responsible for maintaining the statements in confidence and shall not allow access to, or allow information to be disclosed from, a statement except to carry out the purpose of this part. The Agency may not disclose information from a statement except as the Civil Service Commission or the Head of the Agency may determine for good cause shown.

XXI. Section 2200.735–410(a)(2) is amended to read:

§ 2200.735–410 Specific provisions of Agency regulations for special Government employees.

(a) * * *

(2) The financial interests of the special Government employee which the Head of the Agency determines are relevant in the light of the duties he is to perform.

* * * * *

These amendments were approved by the Civil Service Commission on October 5, 1967, and are effective upon publication in the FEDERAL REGISTER.

Dated: November 28, 1967.

[SEAL] THOMAS APPLEBY,
Executive Director.

[F.R. Doc. 67–14303; Filed, Dec. 7, 1967; 8:47 a.m.]

Title 12—BANKS AND BANKING

Chapter I—Bureau of the Comptroller of the Currency, Department of the Treasury

PART 1—INVESTMENT SECURITIES REGULATION

Carlsbad Building Authority Revenue Bonds (California)

§ 1.202 Carlsbad Building Authority Revenue Bonds (California).

(a) *Request.* The Comptroller of the Currency has been requested to rule on the eligibility of the $460,000 Carlsbad Building Authority Revenue Bonds for purchase, dealing in, underwriting and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* (1) The Carlsbad Building Authority is a public entity created under the laws of California by an agreement between the City of Carlsbad and the County of San Diego. Under this agreement the Authority is authorized to acquire land, construct and lease public buildings and to issue bonds to finance such projects. The Authority is issuing these bonds for the purpose of constructing a civic center, which will be leased to the City and which will include facilities for City Offices, City Council Chambers and the Police.

(2) Under the lease rental agreement the City has unconditionally promised to pay annual rentals to the Authority in an amount sufficient to meet annual interest and principal payments on these bonds as well as other necessary expenses. The City which possesses general powers of taxation has thus committed its faith and credit in support of the bonds.

(c) *Ruling.* It is our conclusion, therefore, that the $460,000 Carlsbad Building Authority Revenue Bonds are general obligations of a State or a political subdivision thereof under paragraph Seventh of 12 U.S.C. 24 and, accordingly, are eligible for purchase, dealing in, underwriting and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24.

Dated: December 4, 1967.

[SEAL] WILLIAM B. CAMP,
Comptroller of the Currency.

[F.R. Doc. 67–14318; Filed, Dec. 7, 1967; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

SUBCHAPTER E—AIRSPACE

[Airspace Docket No. 67–EA–1]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airways

On March 1, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 3402) stating that the Federal Aviation Administration was considering realigning V–1, V–139, and V–194 in the area between Norfolk, Va., and Salisbury, Md. Subsequent to publication of the notice, it was determined that the Snow Hill, Md., VORTAC would not support a segment of V–139 as proposed.

On July 11, 1967, a supplemental notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 10213) cancelling the original notice and proposing the following:

1. Redesignate V–194 from Norfolk via INT Norfolk 001° and Harcum, Va., 072° radials; to INT Harcum 072° and Snow Hill 211° radials.

2. Realign V–1 from Cape Charles, Va., via INT Cape Charles 009° and Salisbury 206° radials; to Salisbury.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments.

The Air Transport Association of America offered no objection. The Department of the Navy objected to the amended proposal as it would interfere with an expansion of R–6609, under consideration by the Federal Aviation Administration as Airspace Docket No. 67–EA–98.

Departures from Norfolk to the north were again reviewed by the agency and it was determined that the following alignments of V–1 and V–194 would satisfy departure procedures. The Department of the Navy agreed to a minor revision of the south boundary of the proposed R–6609 to accommodate V–1 as

a standard width airway. Accordingly, action is taken herein to alter V–1 and V–194 as follows:

1. V–1 From Cape Charles via INT Cape Charles 006° and Salisbury 206° True radials; to Salisbury.

2. V–194 From Norfolk via INT Norfolk 001° and Harcum 075° True radials; to INT Harcum. 075° and Snow Hill 211° True radials.

A representative of the Air Transport Association of America offered no objection to the altered proposals.

Since this is a minor change from the configuration as proposed in the notice in which the public is not particularly interested, the Administrator has determined that further notice and public procedure thereon is unnecessary and this change may be adopted in the rule.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., February 1, 1968, as hereinafter set forth.

Section 71.123 (32 F.R. 2009, 5253, 6390, 8079) is amended as follows:

1. In V–1 "12 AGL INT Cape Charles 015°" is deleted and "12 AGL INT Cape Charles 006°" is substituted therefor.

2. In V–194 "Cape Charles, Va., 313° radials." is deleted and "Harcum, Va., 075° radials; 12 AGL INT Harcum 075° and Snow Hill 211° radials." is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on December 1, 1967.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67–14290; Filed, Dec. 7, 1967; 8:45 a.m.]

[Airspace Docket No. 67–CE–103]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On page 13007 of the FEDERAL REGISTER dated September 13, 1967, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Peoria, Ill.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0001 e.s.t., February 1, 1968.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on November 20, 1967.

DANIEL E. BARROW,
Acting Director, Central Region.

In § 71.181 (32 F.R. 2148), the following transition area is amended to read:

PEORIA, ILL.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Greater Peoria Airport (latitude 40°39'45" N., longitude 89°41'35" W.); within 2 miles each side of the Greater Peoria Airport ILS localizer southeast course, extending from the 8-mile radius area to 8 miles southeast of the OM; within 8 miles southwest and 5 miles northeast of the Peoria VORTAC 279° radial, extending from the 8-mile radius area to 12 miles west of the VORTAC; within a 5-mile radius of Mount Hawley Auxiliary Airport (latitude 40°47'35" N., longitude 89°36'50" W.); and that airspace extending upward from 1,200 feet above the surface bounded on the north by latitude 41°10'10" N., on the east by longitude 88°40'00" W., on the south by latitude 40°20'00" N., and on the west by longitude 90°00'00" W.

[F.R. Doc. 67–14291; Filed, Dec. 7, 1967; 8:46 a.m.]

[Airspace Docket No. 67–CE–127]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Peru, Ind., transition area.

The two public use instrument approach procedures for Kokomo, Ind., Municipal Airport have been modified. As a result of this modification, the size of the Peru, Ind., 700-foot floor transition area can be reduced without eliminating that controlled airspace necessary for the protection of aircraft executing these altered approach procedures. Action is taken herein to effect this change. The present 1,200-foot floor transition area at Peru will not be changed as a result of this action.

Since the aforementioned change is less restrictive in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0001 e.s.t., February 1, 1968, as hereinafter set forth:

In § 71.181 (32 F.R. 2148), the following transition area is amended to read:

PERU, IND.

That airspace extending upward from 700 feet above the surface within a 15-mile radius of Bunker Hill AFB (latitude 40°39'40" N., longitude 86°03'30" W.); within a 6½-mile radius of Kokomo Municipal Airport (latitude 40°31'45" N., longitude 86°03'30" W.); and within a 5-mile radius of Logansport Municipal Airport (latitude 40°42'40" N., longitude 86°22'35" W.); and that airspace extending upward from 1,200 feet above the surface within the area bounded by a line beginning at latitude 40°07'00" N., longitude 85°00'00" W.; to latitude 40°07'00" N., longitude 86°33'00" W.; to latitude 41°00'00" N., longitude 85°50'00" W.; to latitude 40°30'00" N., longitude 85°50'00" W.; to point of beginning.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued at Kansas City, Mo., on November 22, 1967.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 67–14292; Filed, Dec. 7, 1967; 8:46 a.m.]

[Airspace Docket No. 67–SO–99]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area and Control Zone

On October 19, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 14564), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Charlotte, N.C., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. The one comment received from Air Transport Association (ATA) stated no objection to the proposal provided the Propst Airport operating designation remain "Private" and the volume restricted.

Any proposal to change the operating designation of this airport would require a separate study. Since the airport was found aceptable for limited VFR operations only, the volume is automatically restricted. Therefore, the comment submitted by ATA is not considered as an objection to this rule making action.

Subsequent to the publication of the notice, the geographic coordinate (lat. 35°23'30" N., long. 80°34'30" W.) for the Propst Airport was obtained from Coast and Geodetic Survey. Additionally, the geographic coordinate for Douglas Air-

port was refined to lat. 35°12'53" N., long. 80°56'18" W. Accordingly, action is taken herein to add the geographic coordinate for Propst Airport in the transition area description and correct the geographic coordinate for Douglas Airport in the transition area and control zone descriptions.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective February 1, 1968, as hereinafter set forth.

In § 71.181 (32 F.R. 2148), the Charlotte, N.C., 700-foot transition area (32 F.R. 3049) is amended to read:

CHARLOTTE, N.C.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Douglas Airport (lat. 35°12'53" N., long. 80°56'18" W.); within a 6-mile radius of Propst Airport (lat. 35°23'30" N., long. 80°34'30" W.); within 2 miles each side of the Charlotte VORTAC 003° radial, extending from the 8-mile radius area to 14 miles north of the VORTAC; within 2 miles each side of the Fort Mill, S.C., VORTAC 005° radial, extending from the 8-mile radius area to 33 miles north of the VORTAC; within 2 miles each side of the Fort Mill VORTAC 011° radial, extending from the 8-mile radius area to the VORTAC; within 2 miles each side of the Charlotte VORTAC 058° radial, extending from the 8-mile radius area to the Propst Airport 6-mile radius area; within 2 miles each side of the Charlotte 171° radial, extending from the 8-mile radius area to 14 miles south of the VORTAC; within 2 miles each side of the Charlotte 223° radial, extending from the 8-mile radius area to 14 miles southwest of the VORTAC;

In § 71.171 (32 F.R. 2071), the Charlotte, N.C., control zone (32 F.R. 1086) is amended as follows: "* * * (lat. 35°12'58" N., long. 80°56'22" W.) * * *" is deleted and "* * * (lat. 35°12'53" N., long. 80°56'18" W.) * * *" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a))

Issued in East Point, Ga., on November 29, 1967.

JAMES G. ROGERS,
Director, Southern Region.

[F.R. Doc. 67-14293; Filed, Dec. 7, 1967; 8:46 a.m.]

[Airspace Docket No. 67-CE-136]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Low Altitude Reporting Point

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate the Ottumwa, Iowa, VORTAC as a low altitude reporting point.

Because of minimal radar coverage in the area south of Ottumwa many aircraft are not provided radar air traffic service as they transition from the Kansas City, Mo., to the Chicago, Ill., ARTC Center area of jurisdiction. The action taken herein would require aircraft position reports passing the Ottumwa VORTAC and thus provide the controller a positive identification of flights.

Since this action is in the interest of safety and will not assign nor reassign controlled airspace, the Administrator has determined that notice and public procedure thereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0001 e.s.t., February 1, 1968, as hereinaffer set forth.

In § 71.203 (32 F.R. 2275) "Ottumwa, Iowa" is added.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Washington, D.C., on November 30, 1967.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67-14294; Filed, Dec. 7, 1967; 8:46 a.m.]

[Airspace Docket No. 67-CE-100]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On pages 13007 and 13008 of the FEDERAL REGISTER dated September 13, 1967, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Ann Arbor, Mich.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0001 e.s.t., February 1, 1968.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued in Kansas City, Mo., on November 20, 1967.

DANIEL E. BARROW,
Acting Director, Central Region.

In § 71.181 (32 F.R. 2148), the following transition area is added:

ANN ARBOR, MICH.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Ann Arbor Municipal Airport (latitude 42°13'25" N., longitude 83°44'30" W.); and within a 5-mile radius of Young Field (latitude 42°17'40" N., longitude 83°51'45" W.), excluding the portion which overlies the Detroit, Mich., 700-foot floor transition area.

[F.R. Doc. 67-14295; Filed, Dec. 7, 1967; 8:46 a.m.]

[Airspace Docket No. 67-CE-97]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, CONTROLLED AIRSPACE, AND REPORTING POINTS

Redesignation of Transition Area

On September 13, 1967, a notice of proposed rule making was published in the FEDERAL REGISTER (32 F.R. 13007) stating that the Federal Aviation Administration proposed to designate a transition area at Plymouth, Mich.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. The one comment received offered no objection to the proposal.

The words "and the Salem, Mich., transition area" were inadvertently omitted from the Plymouth transition area description. Action is taken herein to make this correction.

Since this change is minor in nature and imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0001 e.s.t., February 1, 1968, as hereinafter set forth:

In § 71.181 (32 F.R. 2148), the following transition area is added:

PLYMOUTH, MICH.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Mettetal Airport (latitude 42°20'55" N., longitude 83°27'25" W.); and within 2 miles each side of the Salem, Mich., VORTAC 120° and 126° radials, extending from the 5-mile radius area to the VORTAC, excluding the portion which overlies the Detroit, Mich., 700-foot floor transition area and the Salem, Mich., transition area.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348)

Issued at Kansas City, Mo., on November 22, 1967.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 67-14296; Filed, Dec. 7, 1967; 8:46 a.m.]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 8549; Amdt. 571]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

The amendments to the standard instrument approach procedures contained herein are adopted to become effective when indicated in order to promote safety. The amended procedures supersede the existing procedures of the same classification now in effect for the airports specified therein. For the convenience of the users, the complete procedure is republished in this amendment indicating the changes to the existing procedures.

As a situation exists which demands immediate action in the interests of safety in air commerce, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In view of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 97 (14 CFR Part 97) is amended as follows:

1. By amending the following automatic direction finding procedures prescribed in § 97.11(b) to read:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Raleigh RBn	LOM	Direct	2000	T-dn	300-1	300-1	200-½
Raleigh VOR	LOM	Direct	2000	C-dn	500-1	500-1	500-1½
Chapel Hill Int	LOM	Direct	2100	S-dn-5	400-1	400-1	400-1
Holly Springs Int	LOM	Direct	2000	A-dn	800-2	800-2	800-2
Moncure Int	LOM (final)	Direct	2000				
Durham Int	LOM	Direct	2000				
Int LIB VOR, R 102° and RDU VOR R 244.	LOM (final)	Direct	2000				

Radar available.
Procedure turn W side of crs, 229° Outbnd, 049° Inbnd, 2000' within 10 miles.
Minimum altitude over LOM on final approach crs, 2000'.
Crs and distance, facility to airport, 049°—5.8 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.8 miles after passing LOM, climb to 2000' on R 041° of VOR within 15 miles or, when directed by ATC, turn left, climb to 2400' on R 309° of VOR within 15 miles or, climb to 2000' on 049° crs from LOM within 15 miles.
MSA within 25 miles of facility: 000°-090°—2100'; 090°-180°—2900'; 180°-270°—1800'; 270°-360°—2000'.

City, Raleigh; State, N.C.; Airport name, Raleigh-Durham; Elev., 435'; Fac. Class., LOM; Ident., RD; Procedure No. NDB(ADF) Runway 5, Amdt. 11; Eff. date, 30 Dec. 67; Sup. Amdt. No. NDB(ADF) Runway 5, Amdt. 10; Dated, 4 Nov. 67

RDU LOM	RDU RBn	Direct	2000	T-dn	300-1	300-1	200-½
RDU VOR	RDU RBn	Direct	2000	C-dn	500-1	500-1	500-1½
Wendell Int	RDU RBn	Direct	2000	S-dn-23	500-1	500-1	500-1
Chapel Hill Int	RDU RBn	Direct	2100	A-dn	800-2	800-2	800-2
Durham Int	RDU RBn	Direct	2000				
Franklinton Int	RDU RBn	Direct	2000				
Zebulon Int	RDU RBn	Direct	2000				

Radar available.
Procedure turn N side of crs, 049° Outbnd, 229° Inbnd, 2000' within 10 miles of RDU RBn.
Minimum altitude over facility on final approach crs, 1500'.
Crs and distance, facility to airport, 229°—4 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4 miles after passing RBn, climb to 2000' on 225° crs from RDU RBn within 15 miles or, when directed by ATC, turn right, climb to 2000' on R 309° of RDU VOR within 20 miles or climb to 2000', returning direct to RDU RBn.
MSA within 25 miles of facility: 000°-090°—1800'; 090°-180°—2900'; 180°-360°—2000'.

City, Raleigh; State, N.C.; Airport name, Raleigh-Durham; Elev., 435'; Fac. Class., H-SAB; Ident., RDU; Procedure No. NDB(ADF) Runway 23, Amdt. 3; Eff. date, 30 Dec. 67; Sup. Amdt. No. NDB(ADF) Runway 23, Amdt. 2; Dated, 4 Nov. 67

2. By amending the following very high frequency omnirange (VOR) procedures prescribed in § 97.11(c) to read:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
R 338°, ESC VOR counterclockwise	R 266°, ESC VOR	Via 8-mile DME Arc.	2300	T-dn	300-1	300-1	200-½
				C-dn*	500-1	500-1	500-1½
R 216°, ESC VOR clockwise	R 266°, ESC VOR	Via 8-mile DME Arc.	2300	S-dn-9°$	400-1	400-1	400-1
				A-dn*	800-2	800-2	800-2
8-mile DME Fix, R 266°, ESC VOR	ESC VOR (final)	Direct	1004				

Procedure turn S side of crs, 266° Outbnd, 086° Inbnd, 2100′ within 10 miles.
Minimum altitude over facility on final approach crs, #1004′ (#1304′ when control zone not effective).
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of VOR, climb to 2100′ on R 086° within 10 miles, return to VOR.
NOTES: (1) Use Marquette, Mich., altimeter setting when control zone not effective. (2) Circling and straight-in ceiling minimums are raised 300′ and alternate minimums not authorized when control zone not effective.
CAUTION: Magnetic disturbance of as much as 14° exists at ground level at Escanaba.
*These minimums apply at all times for air carriers with approved weather reporting service.
$Reduction not authorized for nonstandard REIL.
MSA within 25 miles of facility: 000°-090°—2200′; 090°-180°—1900′; 180°-270°—2300′; 270°-360°—2200′.

City, Escanaba; State, Mich.; Airport name, Escanaba Municipal; Elev., 604′; Fac. Class., L-BVORTAC; Ident., ESC; Procedure No. VOR Runway 9, Amdt. 5; Eff. date, 30 Dec. 67; Sup. Amdt. No. VOR Runway 9, Amdt. 4; Dated, 4 Nov. 67

R 216°, ESC VOR counterclockwise	R 101°, ESC VOR	Via 8-mile DME Arc.	2300	T-dn	300-1	300-1	200-½
				C-dn*	500-1	500-1	500-1½
R 338°, ESC VOR clockwise	R 101°, ESC VOR	Via 8-mile DME Arc.	2300	S-dn-27°$	500-1	500-1	500-1
				A-dn*	800-2	800-2	800-2
8-mile DME Fix, R 101°, ESC VOR	2-mile DME Fix, R 101°, (final)	Direct	1104	Minimums with DME:			
				S-dn-27°$	400-1	400-1	400-1

Procedure turn N side of crs, 101° Outbnd, 281° Inbnd, 2100′ within 10 miles.
Minimum altitude over 2-mile DME Fix on final approach crs, #1104′ (#1404′ when control zone not effective).
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of VOR, climb to 2100′ on R 281° within 10 miles, return to VOR.
NOTES: (1) Use Marquette, Mich., altimeter setting when control zone not effective. (2) Circling and straight-in ceiling minmums are raised 300′, and alternate minimums not authorized when control zone not effective.
CAUTION: Magnetic disturbance of as much as 14° exists at ground level at Escanaba.
*These minimums apply at all times for air carriers with approved weather reporting service.
$Reduction not authorized for nonstandard REIL.
MSA within 25 miles of facility: 000°-090°—2200′; 090°-180°—1900′; 180°-270°—2300′; 270°-360°—2200′.

City, Escanaba; State, Mich.; Airport name, Escanaba Municipal; Elev., 604′; Fac. Class., L-BVORTAC; Ident., ESC; Procedure No. VOR Runway 27, Amdt. 3; Eff. date, 30 Dec. 67; Sup. Amdt. No. VOR Runway 27, Amdt. 2; Dated, 4 Nov. 67

				T-dn	300-1	300-1	NA
				C-dn*	800-1	800-1	NA
				A-dn	NA	NA	NA

Procedure turn N side of crs, 080° Outbnd, 260° Inbnd, 2800′ within 10 miles.
Minimum altitude over facility on final approach crs, 2300′.
Crs and distance, facility to airport, 260°—6.3 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6.3 miles after passing FLP VOR, turn left, climb to 2800′ direct to FLP VOR.
NOTE: Use Harrison, Ark., FSS altimeter setting.
*Circling not authorized NW of airport defined by runway centerlines extended.
MSA within 25 miles of facility: 000°-360°—2500′.

City, Flippin; State, Ark.; Airport name, Flippin; Elev., 721′; Fac. Class., L-BVOR; Ident., FLP; Procedure No. VOR-1, Amdt. 3; Eff. date, 30 Dec. 67; Sup. Amdt. No. VOR 1, Amdt. 2; Dated, 23 July 66

				T-dn	300-1	300-1	200-½
				C-dn#	500-1	500-1	500-1½
				S-dn-36#	500-1	500-1	500-1
				A-dn#	800-2	800-2	800-2

Radar available.
Procedure turn E side of crs, 180° Outbnd, 360° Inbnd, 2200′ within 10 miles.
Minimum altitude over facility on final approach crs, *1295′ (*1395′ when control zone not effective).
Facility on airport.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 0 mile of VOR, climb to 2200′ on R 307° within 10 miles, return to VOR or, when directed by ATC, climb to 2200′ on R 088° within 10 miles.
NOTE: Use Green Bay altimeter setting when control zone not effective. Circling and straight-in ceiling minimums are raised 100′ and alternate minimums not authorized when control zone not effective.
CAUTION: Runways 4/22 and 13/31 unlighted.
#These minimums apply at all times for air carriers with approved weather reporting service.
MSA within 25 miles of facility: 000°-360°—2700′.

City, Oshkosh; State, Wis.; Airport name, Winnebago County; Elev., 795′; Fac. Class., L-BVOR; Ident., OSH; Procedure No. VOR Runway 36, Amdt. 5; Eff. date, 30 Dec. 67; Sup. Amdt. No. TerVOR-36, Amdt. 4; Dated, 19 Nov. 66

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				S-dn-5**	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2
				If Carpenter Int or 6.6-mile DME Fix received, minimums are:			
				S-dn-5#	400-1	400-1	400-1

Radar available.
Procedure turn W side of crs, 235° Outbnd, 055° Inbnd, 2000' within 10 miles.
Minimum altitude over RDU VOR, 935'.
Crs and distance: Carpenter Int to Runway 5, 055°—5.8 miles; breakoff point to Runway 5, 045°—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished over RDU VOR, climb to 2000' on R 055° or, when directed by ATC, (1) turn left, climb to 2000' on R 041°, or (2) turn left, climb to 2400' on R 309°. All within 20 miles.
**Reduction of landing visibility below ¾ mile not authorized.
#400-¾ (RVR 4000') authorized with operative HIRL, except for 4-engine turbojets. 400-½ (RVR 2400') authorized with operative ALS, except for 4-engine turbojets.
MSA within 25 miles of facility: 000°-090°—1500'; 090°-180°—2900'; 180°-360°—2000'.

City, Raleigh; State, N.C.; Airport name, Raleigh-Durham; Elev., 435'; Fac. Class., H-BVORTAC; Ident., RDU; Procedure No. VOR Runway 5, Amdt. 5; Eff. date, 30 Dec. 67; Sup. Amdt. No. VOR Runway 5, Amdt. 4; Dated, 4 Nov. 67

				T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				S-dn-23	500-1	500-1	500-1
				A-dn	800-2	800-2	800-2

Radar available.
Procedure turn W side of crs, 038° Outbnd, 218° Inbnd, 2000' within 10 miles.
Minimum altitude over RDU VOR, 935'.
Crs and distance, breakoff point to Runway 23, 229°—0.3 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished over RDU VOR, climb to 2000' on R 218° or, when directed by ATC, turn right, climb to 2400' on R 309° both within 15 miles.
MSA within 25 miles of facility: 000°-090°—1500'; 090°-180°—2900'; 180°-360°—2000'.

City, Raleigh; State, N.C.; Airport name, Raleigh-Durham; Elev., 435'; Fac. Class., H-BVORTAC; Ident., RDU; Procedure No. VOR Runway 23, Amdt. 5; Eff. date, 30 Dec. 67; Sup. Amdt. No. VOR Runway 23, Amdt. 4; Dated, 4 Nov. 67

3. By amending the following very high frequency omnirange—distance measuring equipment (VOR/DME) procedures prescribed in § 97.15 to read:

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.
If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
OE LFR	OME VORTAC	Direct	2500	T-dn	300-1	300-1	200-½
				C-dn	500-1	500-1	500-1½
				S-dn-9*	400-1	400-1	400-1
				A-dn	800-2	800-2	800-2

Procedure turn S side of crs, 271° Outbnd, 091° Inbnd, 2500' within 10 miles beyond 11-mile DME Fix.
Minimum altitude over 11-mile DME Fix on final approach crs, 2000', over 5.8-mile DME Fix on final, 437'.
Crs and distance, 11-mile DME Fix to airport, 091°—5.2 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished at 5.8-mile DME Fix, climb to 2100' on R 091° OME VORTAC within 15 miles.
NOTE: When authorized by ATC, DME may be used to position aircraft for final approach at 2500' between radials 048° clockwise to 133° and at 2100' between 133° to 271° within 20 miles with the elimination of a procedure turn.
CAUTION: High terrain to 1200' beyond 3 miles N., radio tower 284', 3.3 miles ESE of airport.
*400-¾ authorized with operative REIL and HIRL except for 4-engine turbojets.
MSA within 25 miles of facility: 000°-090°—3300'; 090°-180°—1100'; 180°-270°—2000'; 270°-360°—4000'.

City, Nome; State, Alaska; Airport name, Municipal; Elev., 37'; Fac. Class., H-BVORTAC; Ident., OME; Procedure No. VOR/DME Runway 9, Amdt. 1; Eff. date, 30 Dec. 67; Sup. Amdt. No. VOR/DME-1, Orig.; Dated, 26 Nov. 66

4. By amending the following instrument landing system procedures prescribed in § 97.17 to read:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If an instrument approach procedure of the above type is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitudes shall correspond with those established for en route operation in the particular area or as set forth below.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
Lakewood Int	LOM (final)	Via OBK R 272° and NW crs, OHA ILS.	2200	T-dn% C-dn S-dn-14L#* A-dn	300-1 400-1 200-½ 600-2	300-1 500-1 200-½ 600-2	200-½ 500-1½ 200-½ 600-2
Niles Int	ORD VOR	Direct	2500	Category II special authorization required: %TDZ elevation, 652'; decision heights S-dn-14L, DH 150, RVR 1600', 802' MSL RA 151'; S-dn-14L, DH 100, RVR 1200', 752' MSL RA 101'.			
ORD VOR	LOM	Direct	2500				
Warren Int	LOM	Direct	2500				
Deerfield Int	LOM	Direct	2500				
OBK VOR	LOM	Direct	2500				

Radar available.
Procedure turn W side of crs, 318° Outbnd, 138° Inbnd, 2500' within 10 miles.
Minimum altitude at glide slope interception Inbnd, 2200'.
Altitude of glide slope and distance to approach end of runway at LOM, 2090'—5.2 miles; at MM, 864'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, turn left to a heading of 120° and climb to 1500', then make left-climbing turn to 3500' and proceed to Evanston Int, via ORD R#075°.
Category II missed approach: Climb to 1500', then make left-climbing turn to 3500' and proceed to Evanston Int via ORD R 075°, if contact with visual guidance system not established at DH.
NOTE: Back crs unusable.
CAUTION: Takeoffs Runway 27R when weather is below 1000-3 will intercept ORD VOR, R 250° and climb to 2000' before proceeding westbound. Takeoffs Runway 32L when weather is below 1000-3 will intercept ORD, R 306° and climb to 2000' before proceeding westbound. When conducting a parallel approach, parallel ILS 14 R and L procedure must be used.
#400-¾ required when glide slope not utilized, 400-½ authorized with operative ALS except for 4-engine turbojets.
%RVR 2400' authorized for takeoff on Runways 14L, 14R, 32L, 32R, and 27R.
*RVR 2000' 4-engine turbojets; RVR 1800' other aircraft descent below 867' not authorized unless ALS visible.

City, Chicago; State, Ill.; Airport name, Chicago-O'Hare International; Elev., 667'; Fac. Class., ILS; Ident., I-OHA; Procedure No. ILS Runway 14L, Amdt. 12; Eff. date, 30 Dec. 67; Sup. Amdt. No. ILS Runway 14L, Amdt. 11; Dated, 15 July 67

Harrisburg VOR	MD LOM	Direct	2700	T-dn	300-1	300-1	200-½
Steelton Int	MD LOM	Direct	2700	C-dn*	600-1	600-1	600-1½
				S-dn-13	300-¾	300-¾	300-¾
				A-dn#	600-2	600-2	600-2
				With glide slope inoperative: S-dn-13	500-1	500-1	500-1

Radar available.
Procedure turn S side of crs, 305° Outbnd, 125° Inbnd, 2700' within 10 miles.
Crs and distance, facility to airport, 125°—6.4 miles.
Minimum altitude at glide slope interception Inbnd, 2500'.
Altitude of glide slope and distance to approach end of runway at OM, 2428'—6.4 miles; at MM, 509'—0.5 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.9 miles after passing OM or at MM, climb on runway heading to 2700' within 10 miles. Left turn direct to MD LOM. Hold NW, 2700', 125° Inbnd, 1-minute right turns.
NOTE: Reduction not authorized.
*Circling not authorized S of Runway 13.
#When control zone not in effect, use Harrisburg altimeter setting. Alternate minimums not authorized.
CAUTION: 1030' terrain 1.2 miles SW of approach end of Runway 13. 543' terrain 1.7 miles SE of airport on runway centerline extended.
MSA within 25 miles of LOM: 000°–090°—2800'; 090°–180°—2600'; 180°–270°—3000'; 270°–360°—3200'.

City, Middletown; State, Pa.; Airport name, Olmstead State; Elev., 308'; Fac. Class., ILS; Ident., I-MDT; Procedure No. ILS Runway 13, Amdt. 2; Eff. date, 30 Dec. 67; Sup. Amdt. No. ILS Runway 13, Amdt. 1; Dated, 12 Aug. 67

				T-dn	300-1	300-1	200-½
				C-dn*	600-1	600-1	600-1½
				S-dn-31	500-1	500-1	500-1
				A-dn#	800-2	800-2	800-2

Radar required.
Procedure turn not authorized.
Minimum altitude over 6-mile Radar Fix on final approach crs, 2500'.
Crs and distance, 6-mile Radar Fix to airport, 305°—6 miles.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 6 miles after passing 6-mile Radar Fix, climb on runway heading to 2700' direct MD LOM. Hold NW, 2700', 125° crs Inbnd, 1-minute right turns.
NOTE: Reduction not authorized.
*Circling not authorized S of Runway 31.
#When control zone not in effect, use HAR altimeter setting. Alternate minimums not authorized.
CAUTION: 1030' terrain 1.2 miles SW of approach end of Runway 13. 543' terrain 1.7 miles SE of airport on runway centerline extended.

City, Middletown; State, Pa.; Airport name, Olmstead State; Elev., 308'; Fac. Class., ILS; Ident., I-MDT; Procedure No. LOC (BC) Runway 31, Amdt. Orig.; Eff. date, 30 Dec. 67

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
MKE VOR	LOM	Direct	2500	T-dn**	200-1	200-1	200-½
Big Bend Int	LOM	Direct	2500	C-dn	600-1	600-1	600-1½
Racine Int	LOM	Direct	2500	S-dn-1*$	200-½	200-½	200-½
Cardinal Int	LOM	Direct	2700	A-dn	600-2	600-2	600-2
Wind Lake Int	LOM	Direct	2500	Category II special authorization required: TDZ Elevation 702'. Decision heights: S-dn-1, DH 150 RVR 1000', 852' MSL, RA 152'.			
Horlick Int	LOM	Direct	2500				
Oakwood Int	LOM (final)	Direct	2500				

Radar available.
Procedure turn E side S crs, 186° Outbnd, 006° Inbnd, 2500' within 10 miles.
Minimum altitude at glide slope interception Inbnd, 2500'.
Altitude of glide slope and distance to approach end of runway at OM, 2370'—5.5 miles; at MM, 915'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished, climb to 2700' on N crs of ILS and proceed direct to the Cardinal Int or, when directed by ATC, climb to 2600' and intercept R 110°, MKE VOR and proceed to MKE VOR.
Category II missed approach: Climb to 2700' on N crs of ILS and proceed direct to Cardinal Int if contact with visual guidance system not established at DH.
NOTE: Runway 1 LOM named METRO.
*RVR 2000' 4-engine turbojet; RVR 1800' other aircraft, descent below 922' not authorized unless approach lights visible.
**RVR (2400') authorized Runway 1.
$ 400-¾ required when glide slope not utilized and 400-½ authorized with operative ALS except for 4-engine turbojets.
MSA within 25 miles of LOM: 090°-270°—2200'; 270°-090°—2800'.

City, Milwaukee; State, Wis.; Airport name, General Mitchell Field; Elev., 722'; Fac. Class., ILS; Ident., I-MKE; Procedure No. ILS Runway 1, Amdt. 24; Eff. date, 30 Dec. 67; Sup. Amdt. No. ILS Runway 1, Amdt. 23; Dated, 9 Dec. 67

Raleigh RBn	LOM	Direct	2000	T-dn#	200-1	200-1	200-½
Raleigh VORTAC	LOM	Direct	2000	C-dn	600-1	600-1	600-1½
Chapel Hill Int	LOM	Direct	2100	S-dn-24*	200-½	200-½	200-½
Holly Springs Int	LOM	Direct	2000	A-dn	600-2	600-2	600-2
Moncure Int	LOM (final)	Direct	2000				
Durham Int	LOM	Direct	2000				
Int LIB VOR, R 102° and RDU VORTAC R 244.	LOM (final)	Direct	2000				

Radar available.
Procedure turn N side of crs, 229° Outbnd, 049° Inbnd, 2000' within 10 miles.
Minimum altitude at glide slope interception Inbnd, 2000'.
Altitude of glide slope and distance to approach end of runway at OM, 2025'—5.8 miles, at MM, 614'—0.6 mile.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 5.8 miles after passing LOM, climb to 2000' on R 041° of VORTAC within 15 miles or, when directed by ATC, turn left, climb to 2400' on R 309° of VORTAC within 15 miles.
##RVR 2400'. Descent below 635' not authorized unless ALS visible.
*300-¾ (RVR 4000') authorized when glide slope not utilized. 300-½ (RVR 2400') authorized with operative ALS, except for 4-engine turbojets.
#RVR 2400' authorized Runway 5.
MSA within 25 miles of RD LOM: 000°-090°—2100'; 090°-180°—2900'; 180°-270°—1800'; 270°-000°—2000'.

City, Raleigh; State, N.C.; Airport name, Raleigh-Durham; Elev., 435'; Fac. Class., ILS; Ident., I-RDU; Procedure No. ILS Runway 5, Amdt. 11; Eff. date, 30 Dec. 67; Sup. Amdt. No. ILS Runway 5, Amdt. 10; Dated, 4 Nov. 67

RDU LOM	RDU RBn	Direct	2000	T-dn	200-1	200-1	200-½
RDU VOR	RDU RBn	Direct	2000	C-dn	600-1	600-1	600-1½
Wendell Int	RDU RBn	Direct	2000	S-dn-23	600-1	600-1	600-1
Chapel Hill Int	RDU RBn	Direct	2100	A-dn	800-2	800-2	800-2
Durham Int	RDU RBn	Direct	2000				
Franklinton Int	RDU RBn	Direct	2000				
Zebulon Int	RDU RBn	Direct	2000				

Radar available.
Procedure turn N side of crs, 049° Outbnd, 229° Inbnd, 2000' within 10 miles of RDU RBn.
Minimum altitude over facility on final approach crs, 1500'.
Crs and distance, facility to airport, 229°—4 miles.
No glide slope.
If visual contact not established upon descent to authorized landing minimums or if landing not accomplished within 4 miles after passing RDU RBn, climb to 2000' on SW crs ILS (229°) within 15 miles, or when directed by ATC, turn right, climb to 2000' on R 309° RDU VOR within 15 miles, or climb to 2000' returning direct to RDU RBn.
MSA within 25 miles of RDU RBn: 000°-090°—1800'; 090°-180°—2200'; 180°-360°—2000'.

City, Raleigh; State, N.C.; Airport name, Raleigh-Durham; Elev., 435'; Fac. Class., ILS; Ident., I-RDU; Procedure No. LOC (BC) Runway 23, Amdt. 11; Eff. date, 30 Dec. 67; Sup. Amdt. No. LOC (BC) Runway 23, Amdt. 10; Dated, 4 Nov. 67

5. By amending the following radar procedures prescribed in § 97.19 to read:

RADAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles.

If a radar instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of the Federal Aviation Agency. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with radar to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a precision approach, or for more than 30 seconds during a surveillance approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

Transition				Ceiling and visibility minimums			
From—	To—	Course and distance	Minimum altitude (feet)	Condition	2-engine or less		More than 2-engine, more than 65 knots
					65 knots or less	More than 65 knots	
				Surveillance approach			
000°--------	360°--------	Within: 15 miles--------	2500	T-dn----------	300-1	300-1	*200-½
		15 to 25 miles----	3500	C-dn-5, 23------	1000-1	1000-1	1000-1½
000°--------	360°--------			S-dn-5#---------	600-1	600-1	600-1
				S-dn-23**#------	1000-1	1000-1	1000-1
				A-dn----------	1000-2	1000-2	1000-2

Radar control must provide 3 miles separation from radio tower 1809', located 4 miles SW of airport or maintain 2900'. All bearings and distances are from radar antenna with sector azimuths progressing clockwise.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished: Runway 5—Climb to 3000' on crs of 052° from LOM within 15 miles. Runway 23—Climb to 3000', turn right and proceed to BHM VORTAC or, when directed by ATC, climb to 3000' and proceed to BHM LOM.

NOTE: VASI Runway 23.

*Runways 5-23 only.

**Maintain at least 1900' until 4 miles from runway on final approach to Runway 23.

#Reduction not authorized.

City, Birmingham; State, Ala.; Airport name, Municipal; Elev., 643'; Fac. Class., and Ident., Birmingham Radar; Procedure No. Radar-1, Amdt. 8; Eff. date, 30 Dec. 67; Sup. Amdt. No. 1, Amdt. 7; Dated, 4 June 66

				Precision approach			
				T-dn%----------	300-1	300-1	200-½
				C-dn----------	600-1	600-1	600-1½
				S-dn-20---------	200-½	200-½	200-½
				A-dn----------	600-2	600-2	600-2
				Surveillance approach			
				T-dn%----------	300-1	300-1	200-½
				C-dn----------	600-1	600-1	600-1½
				S-dn-2----------	400-1	400-1	400-1
				A-dn----------	800-2	800-2	800-2

As established by Walla Walla ASR minimum vectoring chart.

If visual contact not established upon descent to authorized landing minimums or if landing not accomplished: PAR Runway 20—Climb to 3100' on ALW VOR R 195° within 10 miles. ASR Runway 2—Turn left, climb to 3100' on ALW VOR, R 195° within 10 miles.

NOTE: ASR Runway 2 FAF 6 miles from threshold.

City, Walla Walla; State, Wash.; Airport name, Walla Walla City-County; Elev., 1205'; Fac. Class. and Ident., Walla Walla Radar; Procedure No. Radar 1, Amdt. 2; Eff. date, 30 Dec. 67; Sup. Amdt. No. 1, Amdt. 1; Dated, 15 Oct 66

These procedures shall become effective on the dates specified therein.

(Secs. 307(c), 313(a), 601, of the Federal Aviation Act of 1958; 49 U.S.C. 1348(c), 1354(a), 1421; 72 Stat. 749, 752, 775)

Issued in Washington, D.C., on November 24, 1967.

R. S. SLIFF,
Acting Director, Flight Standards Service.

[F.R. Doc. 67-14028; Filed, Dec. 7, 1967; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

PART 15—ADMINISTRATIVE OPINIONS AND RULINGS

Nonapproval by Commission of Substantial Additional Annual Volume Discount Pricing Program

§ 15.151 Commission cannot approve substantial additional annual volume discount pricing program.

(a) The Commission advised a manufacturer it cannot approve a pricing proposal to provide customers an additional 10 percent discount on all purchases above $15,000 in volume within the calendar year. The additional discount would be granted as soon as the $15,000 volume is reached in the year. The proposal was scheduled to go into operation in 1968. The same rules would apply for each succeeding calendar year. Also, the program would provide a further discount on purchases above $25,000 in annual volume. The present pricing program is not under examination.

(b) The manufacturer sells his products solely to nonexclusive distributors who resell them, and similar commodities produced by other suppliers, to end-users.

(c) The Commission told the manufacturer it cannot approve the proposal because there is a strong likelihood that price discriminations in violation of section 2(a) of the Clayton Act may result if the proposal is put into operation. The Commission pointed out that price discriminations to customers who in fact compete with each other in resale of commodities of like grade and quality would violate section 2(a) of the Clayton Act unless cost justified or unless the lower price is a good faith meeting of a competitor's equally low price.

(38 Stat. 717, as amended; 15 U.S.C. 41-58; 49 Stat. 1526; 15 U.S.C. 13, as amended)

Issued: December 7, 1967.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 67-14304; Filed, Dec. 7, 1967; 8:47 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

PART 270—RULES AND REGULATIONS, INVESTMENT COMPANY ACT OF 1940

PART 274—FORMS PRESCRIBED UNDER THE INVESTMENT COMPANY ACT OF 1940

Revision of Form N–30B–1 and Redesignation Thereof as Form N–1Q

DECEMBER 6, 1967.

On July 25, 1967, the Securities and Exchange Commission published notice (Investment Company Act Release No. 5035) (in the FEDERAL REGISTER on Aug. 3, 1967 (32 F.R. 149)) that it had under consideration proposed revisions of quarterly report form N–30B–1 (17 CFR 274.106) filed with the Commission by management investment companies registered under the Investment Company Act of 1940 ("Act"), except those which issue periodic payment plan certificates. As stated in the notice (32 F.R. 149), the revised form would be designated Form N–1Q and would be applicable to all management investment companies, including those which issue periodic payment plan certificates, and the various rules and regulations of the Commission which refer to the existing form would be appropriately amended to refer to the new designation.

The revised form would include a new Item 1 which would require management investment companies to report the number of shares (or other unit) or principal amount of debt securities acquired or disposed of for their portfolios during the preceding calendar quarter and the holdings of such securities and cash at the end of the quarter. No report pursuant to Item 1 would be required, however, if there were no changes in holdings of portfolio securities during the quarter. The amount of each security owned would be required on the first report filed pursuant to the new item and on the first report filed pursuant to the new item after the end of the calendar year.

The proposed amendment would provide the public with valuable information about securities transactions by management investment companies. Moreover, it would materially aid the Commission and others in conducting studies of these transactions and their impact in the market place and would provide the Commission with information necessary to carry out its regulatory responsibilities.

Form N–30B–1 is now required to be filed within 30 days after the end of the fiscal quarter in which any of the events required to be reported occur. To obtain information about portfolio transactions on a comparable time basis, the revised form would be required to be filed for, and within 30 days after, each calendar quarter. The first report on Form N–1Q would be for the calendar quarter ending on December 31, 1967.

The Commission received a number of written comments on the proposed revisions of Form N–30B–1. The Commission has considered the various views and comments received, has made a number of changes in the proposals published in the notice (32 F.R. 149), and has adopted the proposed revisions as so changed. The principal changes are described below.

A new instruction 8 has been included in the instructions to Item 1 of the revised form in response to comments that public disclosure of information which may reveal a current portfolio purchase program may cause an investment company to pay higher prices for the securities being purchased. This instruction would permit a registrant, if it is engaged both at the end of the calendar quarter and at the date of filing the report on Form N–1Q for that quarter in a program of purchasing securities of a particular issue or issues and has sold no securities of such issue or issues during the quarter, to list as "Miscellaneous securities" the total amount of purchases of all such securities during the quarter and the total value of all securities of such issue or issues owned as of the end of the quarter, provided that the securities so listed as of the end of the quarter are within the limitations stated in Rule 30d–1(c)(2) (§ 270.30d–1(c)(2)) under the Act. These limitations restrict the amount of securities which may be listed in one amount to 5 percent of the aggregate value of securities owned by a registrant provided they have been held for not more than 1 year and have not previously been reported by name in any report or statement transmitted to stockholders or filed with the Commission or with any national securities exchange.

If the securities are listed in Item 1 in total amount, the information otherwise required by that item as to each security would be separately furnished by the registrant to the Commission as a nonpublic supplement to Item 1. The supplement will be classified by the Commission pursuant to the provisions of section 45(a) of the Act as a nonpublic filing. Such classification, however, will not preclude the Commission, if it should deem public disclosure necessary or appropriate in the public interest or for the protection of investors, from making public the information contained in the supplement or requiring that such information be included in any document of a public nature filed by the registrant with the Commission under any of the statutes administered by the Commission. To provide an affected registrant an opportunity to state to the Commission any objections it might have to the public disclosure of any information contained in the supplement, unless such information is then a requirement of an existing rule or form requiring public disclosure or unless a proceeding has been commenced before the Commission or a court, the Commission will notify such registrant in writing of its intention to make or require public disclosure thereof not less than 5 business days prior to the date of such public disclosure.

The instructions to Item 1 of the form also include revisions appearing in instructions 6 and 7. (Instruction 6 to the item as it was proposed in the notice has been renumbered as instruction 3.) The primary purpose of these revised instructions, together with revised column headings for the table in Item 1, is to provide for the adjustment of shares acquired, disposed of, or held in a quarter to reflect any stock dividends or stock splits during the quarter, rather than to show the stock dividends or splits as separate acquisitions. By this means, the revised table will provide information with respect to shares of the same issue on a uniform basis where they have been affected by stock dividends or splits. The revision will also simplify the table by providing for (1) purchases and other acquisitions, and (2) sales and other dispositions, in one column each rather than in double columns. A new instruction 5 (instruction 5 to Item 1 as it was proposed in the notice has been renumbered as instruction 9) has also been included to prescribe the method of listing any securities which were acquired with options or warrants attached, in order to assure uniform treatment of such securities in the portfolio lists.

General Instruction E of the form, as proposed, has been revised to extend its applicability to "venture capital" investment companies of the character described in section 12(e) of the Act so that they, as in the case of small business investment companies, would not be required to answer Item 1 of the form. As we noted in adopting Rule 17a–6 (§ 270.17a–6) under the Act (Investment Company Act Release No. 3968, Apr. 29, 1964) which exempted investment companies in both categories from the provisions of section 17(a) of the Act under certain conditions, small business investment companies share many of the characteristics of venture capital investment companies, for which special treatment is provided in section 12(e) of the Act, in that they engage in the business of underwriting, furnishing capital to industry, financing promotional enterprises, purchasing securities of issuers for which no ready market is in existence, and reorganizing companies or similar activities. In view of the character of the business of venture capital investment companies, the Commission believes it to be appropriate to extend the exemption in General Instruction E of Form N–1Q to them.

General Instruction F of the revised form, relating to the incorporation of information by reference, has been revised to provide that the information required by Item 1 shall not be incorporated by reference to another report unless it appears in its entirety in such other report in the form required by Item 1. This revision clarifies the intended effect of the requirement of Item 1 that the

specified information with respect to portfolio securities shall be furnished in the exact tabular form prescribed by the table. The revised instruction will assure that incorporation by reference will not render the information incomplete, unclear or confusing and will make it feasible to process the data by computer.

The amendments to the rules and regulations of the Commission under the Act and the Securities Exchange Act of 1934 change the designation of the quarterly report form to Form N–1Q applicable to all registered management investment companies, the period for which the form is to be filed from fiscal to calendar quarters, and the required number of copies to be filed with the Commission to eight. In addition, the amendment to subparagraph (2) of paragraph (c) of Rule 30d–1 (§ 270.30d–1) under the Act provides that securities may be listed in one amount as "Miscellaneous securities", if, among other things, they have not previously been reported by name in any report or statement filed with the Commission as a public report. The purpose of this revision is to provide that a listing of securities by name in a nonpublic supplement to Item 1 of Form N–1Q will not prevent their listing in one amount in reports to stockholders under Rule 30d–1 (§ 270.30d–1).

The Commission recognizes that experience with the revised form may indicate the need for further revision or supplementation. The Commission, therefore, has directed its staff to bring to its attention any special problems encountered in the reports filed on this form.

The Commission, acting pursuant to the provisions of sections 30, 38, and 45(a) of the Act (15 U.S.C. 80a–29, 80a–37, 80a–44(a)) and sections 13, 15(d), and 23(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78m, 78o(d), 78w (a)), deeming it necessary for the exercise of the functions vested in it, and necessary and appropriate in the public interest and for the protection of investors, hereby adopts the revisions of Form N–30B–1 and redesignates such revised form, attached hereto, as Form N–1Q, effective for all calendar quarters ending on and after December 31, 1967. The Commission further finds, pursuant to section 45(a) of the Act, that public disclosure of the information contained in the nonpublic supplement to Item 1 of Form N–1Q is neither necessary nor appropriate in the public interest or for the protection of investors, except under the circumstances stated above in this release.

I. The text of the amended rules under the Securities Exchange Act of 1934, adopted by the Commission pursuant to the authority granted to it in sections 13, 15(d), and 23(a) of that Act, is as follows:

§ 240.13a–12 Quarterly reports of investment companies.

Every investment company registered under the Investment Company Act of 1940 which has securities listed and registered on a national securities exchange and for which a quarterly report form is prescribed shall file a quarterly report, on the appropriate form prescribed therefor, for each quarter for which it is required to file a quarterly report pursuant to section 30(b)(1) of the Investment Company Act of 1940 (15 U.S.C. 80a–29(b)(1)).

§ 240.15d–12 Quarterly reports of investment companies.

Every investment company registered under the Investment Company Act of 1940 which is subject to Rule 15d–1 (17 CFR 240.15d–1) and for which a quarterly form is prescribed shall file a quarterly report, on the appropriate form prescribed therefor, for each quarter for which it is required to file a quarterly report pursuant to section 30(b)(1) of the Investment Company Act of 1940 (15 U.S.C. 80a–29(b)(1)).

2. The text of the amended rules under the Act, adopted by the Commission pursuant to the authority granted to it in sections 30 and 38 of the Act (15 U.S.C. 80a–29, 80a–37), is as follows:

§ 270.30b1–1 Form for quarterly report of registered investment companies.

(a) The following form is hereby prescribed as the form for quarterly report which shall be filed by registered investment companies, pursuant to section 30(b)(1) of the Act (54 Stat. 836; 15 U.S.C. 80a–29(b)):

(1) Form N–1Q (17 CFR § 274.106) for registered management investment companies.—This form shall be used by all registered management investment companies.

§ 270.30b1–2 Quarterly report for totally held registered investment company subsidiary of registered investment company.

(a) Notwithstanding the provisions of § 270.30b1–1, a registered management investment company for which Form N–1Q (17 CFR 274.106) is appropriate for quarterly reports and which is a totally held subsidiary of a registered management investment company may file a statement in the form prescribed by paragraph (b) of this section in lieu of a quarterly report on Form N–1Q, if the following conditions are met:

(1) The information and exhibits required by Form N–1Q with respect to the subsidiary are included in the quarterly report of the parent; and

(2) It is indicated on the facing page of the parent's quarterly report that such report is filed on behalf of itself and the subsidiary naming the subsidiary.

(b) A totally held registered investment company subsidiary which avails itself of the privilege accorded by this rule shall file with the Commission, within the time prescribed by the instructions of Form N–1Q for filing quarterly reports, eight copies of a statement in the following form:

Pursuant to Rule 30b1–2 (17 CFR 240.30b1–2), ----------, a totally held subsidiary of ----------, a registered management investment company, hereby incorporates by reference as its quarterly report, pursuant to section 30(b)(1) of the investment company act of 1940 (15 U.S.C. 80a–29(b)), all information and documents contained in the quarterly report on form N–1Q (including any amendment thereto) filed by the latter company for the quarter ended ----------.

(c) The statement required by paragraph (b), of this section, shall be filed under cover of the facing sheet of Form N–1Q. At least one copy of the statement shall be signed in the manner prescribed by Form N–1Q.

§ 270.30d–1 Reports to stockholders of management companies.

* * * * *

(c) The list showing the amounts and values of securities owned on the date of the balance sheet or its equivalent, required by clause (2) of section 30(d) of the Act, shall indicate each issue separately; except that—

* * * * *

(2) An amount not exceeding 5 percent of the aggregate value of securities shown on the list may be listed in one amount as "Miscellaneous securities", if the securities so listed have been held for not more than 1 year prior to the date of the balance sheet or its equivalent and have not previously been reported by name in any report or statement transmitted to stockholders or filed with the Commission as a public report or with any national securities exchange.

* * * * *

§ 274.106 Form N–1Q, for quarterly report of registered management investment company.

(a) *General instructions*—(1) *Rule as to use of Form N–1Q.* (i) Form N–1Q is to be used for quarterly reports pursuant to section 30 of the Investment Company Act of 1940 ("Act") and section 13 or 15(d) of the Securities Exchange Act of 1934 by all management investment companies to report the occurrence during the preceding calendar quarter of any one or more of the events specified in the items of this form.

(ii) The report is to be filed within 30 days after the close of each calendar quarter during which any of the specified events occurred.

(iii) Notwithstanding the foregoing, a report need not be filed on this form if substantially the same information as that required by this form has been previously reported by the registrant. The term "previously reported" is defined in Rule 8b–2 under the Act (17 CFR 170.8b–2).

(2) *Application of general rules and regulations.* (i) The general rules and regulations under the Act (17 CFR Part 270) contain certain general requirements which are applicable to reports on any form. These general requirements should be carefully read and observed in the preparation and filing of reports on this form, subject to the requirements of General Instruction C below as to the size of paper to be used and of General Instruction D below as to the number of copies to be filed.

(ii) Particular attention is directed to Regulation 8B of the Act (17 CFR

270.8b–1 et seq.) which contains general requirements regarding matters such as the legibility of the report and the information to be given whenever the title of securities is required to be stated. The definitions contained in Rule 8b–2 under the Act (17 CFR 270.8b–2) should be especially noted.

(3) *Preparation of report.* This form is not to be used as a blank form to be filled in, but only as a guide to the preparation of the report on good quality unglazed, white paper 8½ x 11 inches in size. However, tables, charts, maps, and financial statements may be on larger paper if folded to that size. The report shall contain the numbers and captions of all applicable items, but the text of such items may be omitted, provided the answers thereto are prepared in the manner specified in Rule 8b–13 under the Act (17 CFR 270.8b–13). All items which are not required to be answered in the particular report may be omitted and no reference thereto need be made in the report. All instructions should also be omitted.

(4) *Filing of reports and signature.* Eight complete copies of each report on this form, including exhibits and all papers and documents filed as a part thereof, shall be filed with the Commission. At least one such complete copy shall be filed with each exchange, if any, on which a security of the registrant is registered. At least one of the copies filed with the Commission and one filed with each such exchange shall be manually signed. Unsigned copies shall be conformed.

(5) *Reports by small business investment companies and certain venture capital companies.* Item 1 shall not be restated or answered by any registrant which is a small business investment company licensed as such under the Small Business Investment Act of 1958 or which is engaged principally in the business of underwriting, furnishing capital to industry, financing promotional enterprises, purchasing securities of issuers for which no ready market is in existence, and reorganizing companies or similar activities.

(6) *Incorporation by reference.* Attention is directed to Rules 8b–23 and 8b–32 (17 CFR 270.8b–23, 270.8b–32) relating to incorporation by reference. The information required by Item 1 shall not be incorporated by reference to another report unless it appears in its entirety in such other report in the form required by Item 1.

(b) *Facing sheet.*[1]

SECURITIES AND EXCHANGE COMMISSION

WASHINGTON, D.C. 20549

FORM N–1Q

QUARTERLY REPORT OF MANAGEMENT INVESTMENT COMPANY

Pursuant to Section 30 of the Investment Company Act of 1940 and Section 13 or 15(d) of the Securities Exchange Act of 1934

For the Calendar Quarter Ended _____ 19__.

Name of Registrant _____

IRS Empl. Ident. No. _____

Address of Principal Executive Office of Registrant: _____

(No. & Street, City, State, Zip Code)

INVESTMENT ADVISER(S)

Name: _____

Address of: _____

(No. & Street, City, State, Zip Code)

IRS EMPL. IDENT. NO. _____

PRINCIPAL UNDERWRITER(S)

Name: _____

Address of: _____

(No. & Street, City, State, Zip Code)

IRS EMPL. IDENT. No. _____

SIZE: Value of total net assets (or total assets, if a closed-end company) at the end of the calendar quarter_____

SIGNATURE

Pursuant to the requirements of the Investment Company Act of 1940 and the Securities Exchange Act of 1934, the undersigned registrant (or depositor or trustee) has caused this report to be signed on its behalf in the City of _____ and State of _____ on the ____ day of _____, 19__.

_____

(Name of Registrant, Depositor or Trustee)

_____

(Name and Title of Person Signing on Behalf of Registrant, Depositor or Trustee)

(c) *Information required in report.*

Item 1. Changes in portfolio securities.

If there has been any acquisition or disposition of portfolio securities by the registrant during the calendar quarter, furnish the information specified below as to such securities and the cash balance of the registrant, in the exact tabular form prescribed by the table and in accordance with the instructions, except that (1) the first report filed pursuant to this item, and (2) the first report filed pursuant to this item after the end of a calendar year, shall also include the information as to all other portfolio securities owned by the registrant at the end of the preceding calendar quarter.

[NOTE: The form of table to be submitted in response to Item 1 is included in copies of Form N–1Q which may be obtained from the Commission by requesting copies of Investment Company Act Recalse No. 5180.]

Instructions to Item 1.

1. For the purpose of this item, the term "U.S. Government securities" means any securities issued by the United States or by an instrumentality of the Government of the United States. "Short-term debt securities" means any securities payable on demand or having a maturity at the time of issuance of not exceeding 1 year, or any renewal thereof payable on demand or having a maturity at the time of renewal likewise limited. The term "long-term debt securities" means any debt securities other than short-term debt securities.

2. Except for U.S. Government securities and short-term debt securities, with respect to which only the totals for each such category shall be shown in columns (3) through (5), the required information shall be shown separately for each security acquired or disposed of by the registrant during the calendar quarter, even though the registrant may not have owned the particular security at the end of the quarter.

3. The principal amount of U.S. Government securities and of other short-term and long-term debt securities, and the amount of cash, shall be stated in the nearest thousand dollars. The number of shares or other units of other securities shall be stated in the nearest full share or other unit.

4. Set forth in column (2), as to each security registered or traded on a national securities exchange, the symbol assigned to such security by the exchange.

5. Any options or warrants which were attached to another security at the time of their acquisition shall be reported with, and in the category of, such other security. If one of such securities is disposed of separately, such disposition and the remaining holdings of the other security shall be reported in their separate categories and explained by footnote.

6. Acquisitions or dispositions during the calendar quarter of shares which were thereafter increased by a stock dividend or stock split during such quarter shall be adjusted to reflect the additional shares, and the date and basis of such stock dividend or split shall be indicated briefly by footnote to the adjusted quantities in column (3) or (4). The increased number of shares of any security owned at the end of any calendar quarter as the result of a stock dividend or split during such quarter shall be shown in column (5) and likewise indicated by footnote, irrespective of whether there were any other changes in the registrant's ownership of such security during the quarter. Any increase in shares resulting from a stock dividend on, or split of, shares owned at the beginning of the quarter shall not be shown as an acquisition in column (3). Similar adjustment and explanation shall be made with respect to any reverse stock split.

7. Any purchases of a security on margin, or acquisition or disposition of a security through exchange or otherwise than for cash, shall be indicated by footnote to the figures in column (3) or (4) stating the nature of the acquisition or disposition and the quantity, if other than that shown in the applicable column. Any security held in margin accounts or subject to option at the end of the calendar quarter shall also be indicated by footnote to the figures in column (5), which shall include the quantity and, in the case of options, the option prices and the dates within which they may be exercised.

8. If the registrant is engaged both at the end of the calendar quarter and at the date of filing the report on Form N–1Q for that quarter in a program of purchasing securities of a particular issue or issues and has sold no securities of such issue or issues during the quarter, it may list as "Miscellaneous securities" in section 7 of the table, in the applicable columns (in thousands of dollars), the total amount of purchases of all such securities during the quarter and the total value of all securities of such issue or issues owned as of the end of the quarter: *Provided*, That the securities so listed as of the end of the quarter are within the limitations stated in Rule 30d–1(c)(2) (§ 270.30d–1(c)(2)) under the Act. If the securities are listed in total amount as "Miscellaneous securities", the information otherwise required by Item 1 with respect to each such security shall be separately furnished to the Commission in the exact tabular form prescribed by the table and under a separate facing sheet captioned "Nonpublic Supplement to Item 1 of Quarterly Report of Management Investment Company on Form N–1Q for the calendar quarter ended _____, 19__, filed by _____". Such supplement shall be bound separately and shall be signed separately on its facing sheet in the manner prescribed in Form N–1Q, and four copies thereof shall be filed with the Commission as a part of the quarterly report on Form

[1] NOTE: The exact form of such facing sheet is included in copies of Form N–1Q which may be obtained from the Commission by requesting copies of Investment Company Act Release No. 5180.

N-1Q. The Commission shall classify the supplement as a nonpublic filing, which shall not preclude the Commission, if it should deem public disclosure necessary or appropriate in the public interest or for the protection of investors, from making public the information contained in the supplement or requiring that such information be included in any document of a public nature filed by the registrant with the Commission under any of the statutes administered by the Commission. To provide an affected registrant an opportunity to state to the Commission any objections it might have to the public disclosure of any information contained in the supplement, unless such information is then a requirement of an existing rule or form requiring public disclosure or unless a proceeding has been commenced before the Commission or a court, the Commission shall notify such registrant in writing of its intention to make or require public disclosure thereof not less than 5 business days prior to the date of such public disclosure.

9. If the registrant effected any short sale or any change in a short position in a security during the calendar quarter, it shall set forth in a separate table in columnar form the name of the issuer of such security, the title of the issue, and the exchange symbol, if any, and, in numbers of shares, the short sales during the quarter, the short positions closed during the quarter, and the short position at the end of the quarter. Appropriate adjustment in numbers of shares shall be made to reflect any stock dividend or stock split during the quarter. The first report filed pursuant to this item and the first report filed pursuant to this item after the end of a calendar year, shall also include the information as to all other securities in which the registrant had a short position at the end of the preceding calendar quarter.

Item 2. Submission of Matters to a Vote of Security Holders.

If any matter has been submitted to a vote of security holders, furnish the following information:

(a) The date of the meeting and whether it was an annual or special meeting.

(b) If the meeting involved the election of directors, state the name of each director elected at the meeting and of each other director now in office.

(c) Describe each other matter voted upon at the meeting and state the number of affirmative votes and the number of negative votes cast with respect to each such matter.

Instructions. 1. If any matter has been submitted to a vote of security holders otherwise than at a meeting of such security holders, corresponding information with respect to such submission shall be furnished. The solicitation of any authorization or consent (other than a proxy to vote at a stockholders' meeting) with respect to any matter shall be deemed a submission of such matter to a vote of security holders within the meaning of this item.

2. This item need not be answered as to (i) procedural matters, (ii) the selection or approval of auditors, or (iii) the election of directors or officers in cases where there was no solicitation in opposition to the management's nominees, as listed in a proxy statement pursuant to Rule 20a-1 under the Act (17 CFR 270.20a-1) and Regulation 14A under the Securities Exchange Act of 1934 (17 CFR 240.14a-1 et seq.) and all of such nominees were elected. This item may be omitted if action at the meeting was limited to the foregoing. In cases where the registrant does not solicit proxies and the board of directors as previously reported to the Commission was re-elected in its entirety, a statement to that effect will suffice.

3. If the issuer has published a report containing all of the information called for by this item, the item may be answered by a reference to the information contained in such report, provided copies of such report are filed as an exhibit to the report on this form.

Item 3. Policies with Respect to Security Investments.

Describe any material change which has occurred in the investment policy of the registrant with respect to each of the following matters and which has not been approved by stockholders.

(a) The type of securities (for example, bonds, preferred stocks, common stocks) in which it may invest, indicating the proportion of the assets which may be invested in each such type of security.

(b) The percentage of assets which it may invest in the securities of any one issuer.

(c) The percentage of voting securities of any one issuer which it may acquire.

(d) Investment in companies for the purpose of exercising control or management.

(e) Investment in securities of other investment companies.

(f) The policy with respect to portfolio turnover.

(g) Any other investment policy which is set forth in the registrant's charter, bylaws or prospectus.

Item 4. Legal Proceedings.

(a) Briefly describe any material legal proceedings, other than ordinary routine litigation incidental to the business, to which the registrant or any of its subsidiaries has become a party or of which any of their property has become the subject. Include the name of the court in which the proceedings were instituted, the date instituted and the principal parties thereto.

(b) If any such proceeding previously reported has been terminated, identify the proceeding, give the date of termination and state the disposition thereof with respect to the registrant and its subsidiaries.

Instruction. Any bankruptcy, receivership or similar proceeding with respect to the registrant or any of its significant subsidiaries shall be described. Any proceeding to which any director, officer or other affiliated person of the registrant is a party adverse to the registrant or any of its subsidiaries shall also be described. Any proceeding involving the revocation or suspension of the right of the registrant to sell securities shall also be described.

Item 5. Changes in Security for Debt.

If there has been a material withdrawal or substitution of assets securing any class of debt of the registrant, furnish the following information:

(a) Give the title of the securities,

(b) Identify and describe briefly the assets involved in the withdrawal or substitution.

(c) Indicate the provision in the underlying indenture, if any, authorizing the withdrawal or substitution.

Instruction. This item does not apply to short-term paper. This item need not be answered where the withdrawal or substitution is made pursuant to the terms of an indenture which has been qualified under the Trust Indenture Act of 1939 (15 U.S.C. 77aaa *et seq.*).

Item 6. Defaults and Arrears on Senior Securities.

(a) State as to each issue of long-term debt of the registrant which is in default at the close of the calendar quarter with respect to the payment of principal, interest or amortization: (1) Nature of default; (2) date of default; (3) amount of default per $1,000 face amount; and (4) total amount of default.

(b) State as to each issue of capital stock of the registrant on which any accumulated dividend is in arrears at the close of the calendar quarter: (1) Title of issue; (2) amount per share in arrears.

Item 7. Changes in Control of Registrant.

(a) If any person has become a parent of the registrant, give the name of such person, the date and a brief description of the transaction or transactions by which the person became such a parent and the percentage of voting securities of the registrant owned by the parent or other basis of control by the parent over the registrant.

(b) If any person has ceased to be a parent of the registrant, give the name of such person and the date and a brief description of the transaction or transactions by which the person ceased to be such a parent.

Item 8. Terms of New or Amended Securities.

(a) If the constituent instruments defining the rights of the holders of any class of the registrant's securities have been materially modified, give the title of the class involved and state briefly the general effect of such modification upon the rights of the holders of such securities.

(b) If the registrant has issued a new class of securities, furnish the description of such class called for by the applicable item of Form N-8B-1 (17 CFR 274.11).

Instruction. This item does not apply to short-term paper.

Item 9. Revaluation of Assets or Restatement of Capital Share Account.

(a) If there has been a material change during the calendar quarter in the method of valuation of the assets of the registrant, state the date of the change and explain the change, the accounts involved and the statutory or regulatory basis, if any.

(b) If there has been a material restatement during the calendar quarter of the capital share account of the registrant resulting in a transfer from capital share liability to surplus or reserves, or vice versa, state the date, purpose and amount of the restatement and give a brief explanation of all related entries in connection with the restatement.

Item 10. Exhibits.

List below the exhibits, if any, filed as a part of this report.

(d) *Instructions as to exhibits.* (1) Subject to the rules regarding incorporation by reference, the following exhibits shall be filed as a part of the report, if not previously filed:

(i) Copies of any material amendments to the registrant's charter or bylaws.

(ii) Copies of the text of any proposal described in answer to Item 2.

(iii) Copies of the amendments to all constituent instruments and other documents described in answer to Item 5.

(iv) Copies of all constituent instruments defining the rights of the holders of any new class of securities and of any amendments to constituent instruments referred to in answer to Item 8.

(v) Copies of any new or amended investment advisory contract of registrant.

(Secs. 13, 15(d), 23(a), 48 Stat. 894, 895, 901, as amended, secs. 3, 8, 49 Stat. 1377, 1379, secs. 4, 6, 78 Stat. 569, 570, 15 U.S.C. 78m, 78o(d), 78w(a); secs. 30, 38, 45(a), 54 Stat. 836, 841, 845, 15 U.S.C. 80a-29, 80a-37, 80a-44(a))

Effective date. The foregoing is declared effective December 31, 1967.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-14287; Filed, Dec. 7, 1967; 8:45 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

BOILER WATER ADDITIVES; LABELING

In the FEDERAL REGISTER of May 18, 1966 (31 F.R. 7245), the Commissioner of Food and Drugs proposed that § 121.1088, the food additive regulation providing for the safe use of certain boiler water additives in preparation of steam that contacts food, be amended to require that the container label and labeling of such additives bear, in addition to other information required by the Federal Food, Drug, and Cosmetic Act: (1) The name of the additive or a statement of its composition; and (2) adequate directions for use to assure compliance with all the provisions of § 121.1088.

In response to the proposal, three comments were received generally agreeing with its provisions and eight comments objected in whole or in part to the proposed requirements. The Commissioner has considered these comments and concludes as follows:

1. Several comments indicated that there was a need to clarify the meaning of proposed § 121.1088(e)(1). It was suggested that the reference to "name of the additive" could be construed to mean either the chemical name of the additive or the trade name for a product. It was also suggested that the reference to "statement of its composition" could be interpreted as meaning either a statement of the chemical names of the components of a mixture or a percentage declaration of such components. The Commissioner concludes that these references should be changed to clarify the intent to require a qualitative declaration of the food additive components of boiler water treatments by common or chemical names.

2. There was a general opposition to proposed § 121.1088(e)(1) on the grounds that disclosure of composition would reveal secret proprietary data and thereby negate research incentive. This opposition, however, appeared to be predicated in part on the understanding that the requirement contemplated a percentage declaration of formulation components. Arguments were advanced that the requirement could result in the partial or complete withdrawal of responsible suppliers, encourage irresponsible suppliers to enter this market, reduce the efficiency of boiler water systems, and increase the hazards of food contamination. As an alternative, it was suggested that the label bear a statement certifying that the boiler water additives are in conformance with the provisions of § 121.1088. The Commissioner concludes that there is no firm basis for the supposition that disclosure of composition by chemical name in labeling would act to the detriment of suppliers or that the public welfare would be adversely affected. It is doubtful that such a declaration would reveal trade secrets because available analytical methods can be applied to determine composition. The Commissioner also concludes that the suggested statement certifying compliance with § 121.1088 in lieu of declaring composition would not facilitate determining such compliance.

3. There were several comments that proposed § 121.1088(e)(1) would impose a hardship on suppliers because the blends of chemicals are not standard and a substantial number of labels would be required for all potential combinations of chemicals permitted for boiler treatment of water used to prepare steam for food-contact use. In addition, with reference to proposed § 121.1088(e)(2), there was general consensus that it would be impractical to furnish directions for use on the label of the additive container. It was stated that instructions for use of boiler water treatments deal with specific boiler water problems and are invariably supplied to individual firms in such forms as control charts, technical bulletins, service reports, and written communications. These instructions for using such boiler water additives are regarded as labeling within the meaning of section 201(m) of the act. In recognizing the custom nature of boiler water treatments, the Commissioner concludes that a declaration of the food additive components and adequate directions for use appearing either on the label or in the labeling of such formulations are sufficient to facilitate safe use in compliance with §121.1088.

Therefore, having considered the comments received and other relevant information, the Commissioner concludes that the subject proposal should be adopted with changes as set forth below. Accordingly, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(d), 72 Stat. 1787; 21 U.S.C. 348(d)) and under the authority delegated to the Commissioner by the Secretary of Health, Education, and Welfare (21 CFR 2.120), § 121.1088 is amended by adding thereto a new paragraph, as follows:

§ 121.1088 Boiler water additives.

* * * * *

(e) To assure safe use of the additive, in addition to the other information required by the act, the label or labeling shall bear:

(1) The common or chemical name or names of the additive or additives.

(2) Adequate directions for use to assure compliance with all the provisions of this section.

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington, D.C. 20201, written objections thereto, preferably in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 409(d), 72 Stat. 1787; 21 U.S.C. 348(d))

Dated: November 30, 1967.

J. K. KIRK,
Associate Commissioner for Compliance.

[F.R. Doc. 67-14320; Filed, Dec. 7, 1967; 8:48 a.m.]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Department of Housing and Urban Development

SUBCHAPTER L—CONDOMINIUM HOUSING INSURANCE

PART 234—CONDOMINIUM OWNERSHIP MORTGAGE INSURANCE

Subpart A—Eligibility Requirements—Individually Owned Units

CONVERSION OF PROJECT TO FAMILY UNITS

In § 234.26(c) subparagraph (1) is amended to read as follows:

§ 234.26 Conversion of project to family units.

* * * * *

(c) *FHA conversion and release plans.* * * *

(1) The termination by payment in full of the mortgage or by voluntary termination of the insurance contract covering any FHA insured mortgage on the project, unless the Commissioner determines that his interests and those of the individuals purchasing the family units are best served by not requiring the termination of the insurance.

* * * * *

(Sec. 211, 52 Stat. 23; 12 U.S.C. 1715b. Interpret or apply sec. 234, 75 Stat. 160; 12 U.S.C. 1715y)

Issued at Washington, D.C., November 30, 1967.

PHILIP N. BROWNSTEIN,
Federal Housing Commissioner.

[F.R. Doc. 67-14278; Filed, Dec. 7, 1967; 8:45 a.m.]

Title 32—NATIONAL DEFENSE

Chapter VI—Department of the Navy

SUBCHAPTER A—OFFICIAL RECORDS

PART 701—AVAILABILITY OF OFFICIAL RECORDS

Policies and Procedures

Scope and purpose. Part 701 is amended by substituting § 701.1 as follows:

§ 701.1 Policies and procedures for making records available to the public.

(a) *Purpose.* This section implements 5 U.S.C. 552 and DoD Instruction 5400.7 of June 23, 1967 (32 F.R. 9666), and sets forth policies and procedures for making records available to the public.

(1) *Records available.* It describes the kinds of documentary material or records that:

(i) Must be made available to the public, and procedures to be used in making them available, by (*a*) publishing them in the FEDERAL REGISTER, (*b*) providing the opportunity to read and copy them, with current indexes, and (*c*) providing copies when they are identified adequately.

(ii) Do not need to be made available to the public under the exemptions of 5 U.S.C. 552, and DoD Instruction 5400.7 of June 23, 1967 (32 F.R. 9666), and procedures for identifying them. Except for security classification markings which are used to identify material or records not releasable for reasons of national defense or foreign policy, the term "For Official Use Only" (FOUO) is the only designation, other than distribution statements which may be used to identify material or records not to be released to the general public.

(2) *Reviews to preclude unnecessary withholding.* It provides for review of refusals to release documentary material or records, to preclude unnecessary or unauthorized withholding, and for responding to court actions taken to compel release of documentary material or records determined by proper authority to be within the exemptions stated in paragraph (h) of this section and authorized by 5 U.S.C. 552 and DoD Instruction 5400.7 of June 23, 1967 (32 F.R. 9666).

(b) *Supersession.* Those portions of SECNAVINST 5570.2A of June 6, 1957, Policy governing the custody, use, and preservation of Department of Defense official information which requires protection in the public interest, which are in conflict with this section, are hereby superseded (see paragraph (i) (6) of this section).

(c) *Scope and applicability*—(1) *Intent.* This section applies to requests for Department of the Navy records, and access thereto, received from any member of the public. It is not intended to limit release of information to the Congress, or to Federal agencies, or to Federal Government employees whose official duties entitle them to the records or information. Requests from Members of Congress are governed by SECNAVINST 5730.12 (Provisions of Information to Congress), and by section 1–1006.1 of the Armed Services Procurement Regulation (see § 1–1006.1 of this title). The furnishing of information for General Accounting Office audits is governed by SECNAVINST 5741.2D (Relations with the General Accounting Office). Receipt of service of process is governed by DoD Directive 5530.1 (Acceptance of Service of Process (32 F.R. 7019)). National Security Agency official records and information are exempted from the provisions of this section by P.L. 86–36 (50 U.S.C. 402 note).

(2) *Other authorities.* Directives or other authorities providing more detailed procedures for specific categories of records or information, to the extent consistent with 5 U.S.C. 552 and DoD Instruction 5400.7 of June 23, 1967 (32 F.R. 9666) and this section, include but are not limited to:

(i) Public Affairs Regulation, NAVSO P1035—release to news and other public information media.

(ii) BUPERSINST 1070.12 and Marine Corps Manual, paragraph 1070 (also, for Headquarters, Marine Corps, HQO P5000.3A, Chapter 30)—release of information from the personnel records of members and former members of the Navy and Marine Corps.

(iii) Federal Personnel Manual, Chapters 293, 294, and 339—release of information from active and inactive civilian personnel records.

(iv) Manual of the Medical Department, U.S. Navy, NAVMED P–117, Chapter 23, section III—release of information from active and inactive medical records.

(v) Armed Services Procurement Regulation (ASPR) 1–329, and Navy Procurement Directives (NPDs)—release of procurement records and information.

(vi) U.S. Navy Regulations, SECNAV INST 5800.7 (JAG Manual) and SEC NAVINST 5602.1A—litigation matters and release and authentication of records to the courts and other government agencies (see § 701.2–5).

(d) *Policy*—(1) *General.* It is the policy of the Department of the Navy, consistent with 5 U.S.C. 552 and DoD Instruction 5400.7 of June 23, 1967 (32 F.R. 9666), to make available to the public the maximum amount of information concerning its operations and activities. Exemptions to the requirement for disclosure shall be made in accordance with paragraph (h) of this section, and the release procedures prescribed in paragraph (j) of this section.

(2) *Availability of exempt information.* Information exempt from public disclosure under the provisions of paragraph (h) of this section should be made available to the public when its disclosure is not inconsistent with statutory requirements (see paragraph (h) (3) of this section) or with OPNAVINST 5510.1C, Department of the Navy Security Manual for Classified Information, and when appropriate officials of the Department of the Navy determine that no significant purpose would be served by withholding the information. The determination of whether a significant purpose is served by withholding information under the provisions of paragraph (h) of this section is within the sole discretion of the Department of the Navy.

(3) *Withholding information.* Records, including all types of documents or related material, may be withheld from the public only as authorized by 5 U.S.C. 552 and DoD Instruction 5400.7 of June 23, 1967 (32 F.R. 9666) and this section. In no event shall the determination that requested information comes within any of the specific exemptions of 5 U.S.C. 552 and DoD Instruction 5400.7 of June 23, 1967 (32 F.R. 9666) or this section, or that the information has not been properly requested, be influenced by the possibility that its release might suggest administrative error or inefficiency, or might embarrass the Department of the Navy or one of its military or civilian officials.

(e) *Federal Register publication.* Subject to the exemptions set forth in paragraph (h) of this section, a current description of where, how, and by what authority the Department of the Navy performs its functions will be published in the FEDERAL REGISTER for the guidance of the public.

(1) *Insuring publication.* Responsibilities for insuring publication of this material are assigned to the heads of Navy Department components, commanders of naval systems commands, and the Commander, Military Sea Transportation Service by SECNAVINST 5800.4 which designates the Judge Advocate General of the Navy as this Department's representative regarding FEDERAL REGISTER publication matters. In deciding which information to publish, responsible officials will consider the fundamental objective of informing all interested persons how to deal effectively with the Department of the Navy. They will review information of the type described to ensure that it, together with each change, revision or cancellation, is sent to the Judge Advocate General for publication on an up-to-date basis in the FEDERAL REGISTER.

(2) *Information to be published.* Subject to the exemptions set forth in paragraph (h) of this section, information published in the FEDERAL REGISTER will include:

(i) *Organization, places, and methods.* The central and field organization of the Department of the Navy, and the established places at which, the officers from whom, and the methods whereby the public may secure information, make submittals or requests, and obtain decisions.

(ii) *Procedures and related rules.* The procedures by which the Department of the Navy conducts its business with the public, both formally and informally, including procedural rules which must be followed, descriptions of forms which must be completed or the sources from which they may be obtained, and instructions on the scope and content of any papers, reports, or examinations required to be submitted pursuant to such rules.

(iii) *Policy direction.* Directives (Navy Instructions and Notices; Marine Corps Orders and Bulletins), regulations, manuals, policy memoranda, statements or interpretations of policies, and other substantive rules of general applicability affecting the public.

(3) *Referencing information published elsewhere.* With the approval of the Director of the Federal Register, the requirement for publication in the FEDERAL REGISTER (1 CFR, Part 20, June 1, 1967, 32 F.R. 7899) may be satisfied by reference in the FEDERAL REGISTER to other publications readily available to the class of persons affected, and containing the information which must otherwise be published in the FEDERAL REGISTER. In such cases, the following apply:

(i) In order to be eligible for incorporation by reference, the matter must be in the nature of published data, criteria, standards, specifications, techniques, illustrations, or other published information reasonably available to members of the class affected thereby.

(ii) Incorporation by reference is not acceptable as a complete substitute for promulgating, in full text, material required to be published by 5 U.S.C. 552 and DoD Instruction 5400.7 of June 23, 1967 (32 F.R. 9666) and this section.

(iii) Incorporation by reference is acceptable as a means of avoiding unnecessary repetition, within the promulgated document, of published information already reasonably available to the class affected. Examples include:

(*a*) Construction standards promulgated by a professional association of architects, engineers, or builders.

(*b*) Codes of ethics promulgated by professional organizations.

(*c*) Forms and formats publicly or privately published and readily available to the persons required to use them.

(4) *Actual and timely notice.* No member of the general public can be required to resort to, or be adversely affected by, any matter that is required to be published in the FEDERAL REGISTER, unless the material has been published in the FEDERAL REGISTER, or he has otherwise received actual and timely notice of the contents of that material.

(f) *Inspection and copying of opinions, orders, and manuals*—(1) *Types of information made available.* Subject to the exemptions set forth in paragraph (h) of this section, the Department of the Navy will make available for public inspection and copying the categories of information listed in subdivision (ii) of this subparagraph, unless such materials are published and offered for sale.

(i) *Responsibilities.* It is the responsibility of Department of the Navy officials who create or issue these materials to ensure their availability to members of the public, by providing copies of any such materials to the appropriate facility specified in subparagraph (2) of this section. The Administrative Officer, Navy Department will establish such additional procedures as are necessary to ensure their availability and provide for the preparation and maintenance of a current index, or indexes, of all such materials.

(ii) *Categories.* The following will be made available:

(*a*) All final opinions (including concurring and dissenting opinions) and orders made in adjudications (as defined in 5 U.S.C. 551) that may be used, cited, or relied upon as precedent in future adjudications.

(*b*) Statements of policy and interpretations of less than general applicability, which affect the public but are not published in the FEDERAL REGISTER.

(*c*) Administrative staff manuals and instructions, or portions thereof, which establish Department of the Navy policy, or interpretation of policy that are, determinative of the rights of members of the public. This provision does not apply to instructions for employees on the methods and techniques, or tactics, to be used in performing their duties, or to instructions relating only to the internal management of the Department. Examples of manuals and instructions not normally made available are:

(*1*) Those issued for audit and inspection purposes, or those which prescribe operational tactics, standards of performance, or criteria for defense, prosecution, or settlement of cases.

(2) Operations and maintenance manuals and technical information concerning munitions, equipment, and systems.

(*d*) Materials that are published in the FEDERAL REGISTER, when such action is feasible.

(iii) *Examples.* The following are illustrative of the information that normally will be made available for public inspection and copying:

(*a*) Navy Regulations, General Orders, Department of the Navy directives and manuals of public interest, Navy Procurement Directives, and the Armed Services Procurement Regulation.

(*b*) Final decisions of the Boards of Review created under the Uniform Code of Military Justice, decisions of the Armed Services Board of Contract Appeals, and decisions of the Navy Contract Adjustment Boards.

(iv) *Technical manuals and related information.* Technical manuals and data will be made available to Department of the Navy contractors, to bidders on Department of the Navy contracts, and to purchasers of surplus or obsolete military equipment or weapons, for inspection and copying, or for purchase, in accordance with OPNAVINST 5510.1C, Department of the Navy Security Manual for Classified Information; NAVMATINST 4000.17, Distribution Statements (Other than Security) on Technical Documents; and Navy Comptroller Manual, Vols. 3 and 4, paragraphs 035885 to 035888, and 043145 (Parts 288 and 289 of this title), with the Armed Services Procurement Regulations, and with directives issued by the sponsoring systems command.

(v) *Cost.* The cost to the Department of the Navy of copying any of the foregoing materials will be imposed on the person requesting the copy, in accordance with paragraph (g)(3)(i)(*b*) of this section.

(vi) *Deletion of identifying details.* Identifying details, which if revealed would be a clearly unwarranted invasion of privacy (see paragraph (h)(6) of this section), may be deleted from a final opinion, order, statement of policy, interpretation, staff manual, instruction, or record made available for inspection and copying. In every such case, the justification for the deletion must be fully documented. Reasons for the deletion include the protection of privacy in a person's (*a*) business affairs, (*b*) medical matters, and (*c*) private family matters, including humanitarian considerations. "Person," as appropriate, includes an individual, partnership, association, or public or private organization. Under no circumstances should there be given any written or oral justification for the deletion of details which, by raising inferences, could be even more injurious than the invasion of privacy which the deletion of the details is intended to avoid. A rubber stamp, reading substantially as follows, may be used for the purpose of documenting the justification for the deletion:

Activity location _____

Date _____

Identifying details have been deleted, pursuant to 5 U.S.C. 552, for one or more of the reasons indicated in paragraph 6a(6) of SECNAVINST 5720.42, to prevent a clearly unwarranted invasion of personal privacy which would result from disclosure of those details.

Title of Cognizant Officer/Official:

Signature _____

(2) *Where information may be inspected*—(i) *In the Navy Department.* Information described in subparagraph (1)(ii) of this paragraph (other than unpublished decisions of Boards of Review covered in subdivision (i)(*b*) of this subparagraph) is available for public inspection and copying at the Navy Department Library, or at the Law Library of the Office of the Judge Advocate General, as outlined below. The libraries are open from 0800 to 1630 (8 a.m. to 4:30 p.m.), Mondays through Fridays, except holidays.

(*a*) *Navy Department Library.* Located in Room 1241, Main Navy Building, 18th Street and Constitution Avenue NW., Washington, D.C. 20360, this facility maintains an index system by subject matter to materials available. The following are examples of indexes it will maintain for reference by members of the public:

(*1*) The Marine Corps Directives System Quarterly Checklist and an index to administrative directives in the Navy Directives System Consolidated Subject Index of Unclassified Instructions.

(2) An index to the Armed Services Procurement Regulation.

(3) An index to the decisions of the Armed Services Board of Contract Appeals.

(4) An index to the decisions of the Navy Contract Adjustment Board issued after July 4, 1967.

(5) Any other indexes prepared pursuant to subparagraph (1)(i) of this

paragraph, and a master list of available indexes.

(b) *Law Library of the Office of the Judge Advocate General.* Located in Room 2527 of the Navy Annex, Columbia Pike and Arlington Ridge Road, Arlington, Va. 20370, this facility maintains, and will make available, both published and unpublished decisions of Boards of Review created under the Uniform Code of Military Justice. (Published decisions are available also at naval bases, as indicated in subdivision (ii) (b) of this subparagraph.)

(ii) *In the field.* To the extent the material described in subparagraph (1) of this paragraph is received by Navy and Marine Corps field activities ashore, for the regular conduct of their business, it will be made available locally to members of the public, for inspection and copying, under paragraph (j) of this section procedures.

(a) *All Navy and Marine Corps shore activities.* All naval shore activities maintain a current file of Department of the Navy directives of general applicability, and related indexes; also, directives of less than general applicability pertinent to their operations.

(b) *Naval bases and Marine Corps bases.* Published decisions of the Boards of Review created under the Uniform Code of Military Justice can be found in "Courts-Martial Reports" maintained by these bases.

(c) *Navy Publications and Printing Service Office.* Technical manuals and data at field activities will be available as indicated in procurement documents. In some instances they will be made available under clearance procedures prescribed by the sponsoring naval systems command, at the Navy Publications and Printing Service Office, Washington Navy Yard, Building 157–1, Washington, D.C. 20390. A priced listing of technical manuals and data will be compiled and maintained at the NPPSO for reference by Department of the Navy personnel, contractors, bidders on contracts, and purchasers of surplus or obsolete military equipment or weapons.

(3) *Indexing and availability.* No order, opinion, statement of policy, interpretation, staff manual, or instruction issued, promulgated, or adopted after July 4, 1967, which is not indexed and either made available or published, may be relied upon, used, or cited as a precedent against any member of the public unless he has actual and timely notice of its terms. If the order, opinion, statement of policy, interpretation, staff manual, or instruction was issued, promulgated, or adopted before July 4, 1967, it need not be indexed, but must be made available in accordance with this paragraph.

(i) In determining whether an order, opinion, statement of policy, interpretation, staff manual, or instruction is likely to be used or relied upon as precedent, the primary test shall be whether it is intended to provide binding guidance for decisions or evaluations by subordinates, or for future decisions by the same authority in adjudications of cases affecting the public, where similar facts or issues are presented.

(ii) With regard to the precedential effect of an adjudication, opinions and orders of the Boards of Review exemplify the type that shall be made available for inspection and copying, since they may be relied upon, used, or cited in future adjudications. By contrast, orders and opinions resulting from adjudications, such as those involving internal personnel (including military personnel) proceedings and security proceedings, are not required to be made available to the general public for inspection and copying, since they are not relied upon, used or cited in future adjudications.

(g) *Availability of records.* Subject to the exemption set forth in paragraph (h) of this section and the procedural requirements of paragraph (j) of this section, any record in the possession of the Department of the Navy shall be made available upon the request of any person. Copies of records which are published, in accordance with paragraph (e) of this section, or made available for inspection and copying, in accordance with paragraph (f) of this section, also should be made available to those who request them, when practicable.

(1) *Definition and interpretation of record.* In determining whether documentary material qualifies as a record, consideration should be given to the following:

(i) *Record defined.* The definition of the word "record" for records disposal purposes is contained in 44 U.S.C. 366, which reads: "[It] includes all books, papers, maps, photographs, or other documentary materials, regardless of physical form or characteristics, made or received by any agency of the U.S. Government in pursuance of Federal law or in connection with the transaction of public business and preserved or appropriate for preservation by that agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Government or because of the informational value of data contained therein."

(ii) *Items included.* Records are not limited to permanent or historical documents, but include contemporaneous documents, as well.

(iii) *Items excluded.* The term "record" does not include objects or articles such as structures, furniture, paintings, sculpture, three-dimensional models, vehicles, equipment, etc., whatever their historical value or value as "evidence."

(2) *Identifiable record.* To be "identifiable," a record must exist as documentary material at the time it is requested. The Department of the Navy need not "create" a record to satisfy requests for information.

(3) *Requests for records.* Upon proper request, any identifiable Navy or Marine Corps record in the possession of a Department of the Navy activity will be made available to any person, subject to paragraph (h) of this section exemptions and paragraph (j) of this section procedural requirements.

(i) *Proper request.* A request for a record is proper and will be honored if the requester:

(a) *Describes the record.* The record sought shall be described with sufficient particularity to enable the Department of the Navy to identify and locate the record with a reasonable amount of effort. The request may be for more than one record, but each should be identified separately. Permission will not be granted for a requester to search or browse through a file or record series to locate a record he then may want to identify and request. However, reasonable effort will be made to locate existing records properly identified.

(b) *Pays the cost.* The cost associated with locating and providing a copy of the record requested, as determined by Navy Comptroller Manual, Vols. 3 and 4, paragraphs 035885 to 035888, and 043145 (Parts 288 and 289 of this title), shall be tendered by the requester, who should be informed in advance of the estimated cost. Exemptions from charging for such services may apply when a predominant Government interest will be served in releasing the requested record. There is no fee for merely examining records that are readily available to the general public for inspection.

(c) *Complies with requirements.* The requirements contained in this section, including time, place, and procedures for obtaining a record, shall be followed.

(ii) *Referring requests and assisting requesters.* The placing of procedural obstacles in the way of the requester should be avoided, particularly where reorganization or transfer of functions contributes to an improperly directed request.

(a) *Other agency or activity records.* When a request is received for a record originated within another agency or activity and the request is in writing, it will be referred promptly and directly to that agency or activity for disposition, and the requester so advised. If the request is oral, the requester will be similarly referred. If the particular agency or activity is not known, reasonable effort will be made to determine the proper agency or activity, or otherwise assist in satisfying or properly channeling the request.

(b) *Requests relating to litigation.* When a request is received that concerns matters relating to actual or potential litigation involving the United States, the request will be referred to the Judge Advocate General or the General Counsel, as appropriate.

(c) *Records concerning the Congress.* When a request from the public is for a copy of material that concerns primarily a Member of Congress or a Congressional Committee, or a copy of a transcript of testimony given before a Congressional Committee, the requester will be advised to direct his request to the member or committee concerned.

(d) *Other sources.* When the information sought exists in the form of several records at several Department of the Navy locations, the applicant should be

referred to these other sources, if gathering the information would be burdensome.

(iii) *Coordinating requests—(a) With other agencies or activities.* When other agencies or other Department of the Navy components have a significant interest in the contents of a requested document, they should be consulted before determining whether to make the document available to the requester.

(*b*) *With legal authorities.* Advice of the Judge Advocate General or General Counsel, within their respective areas of responsibility, will be sought in all cases in which release or availability is questionable.

(*c*) *With public affairs officers.* Public affairs officers should be consulted on newsworthy matters, and advised of all requests from news media representatives. In addition, public affairs officers also should be informed in advance whenever it is intended to release a document containing potentially newsworthy material, or to withhold such a document from release.

(h) *Exemptions.* Documentary material may be withheld from public disclosure if it comes within a specific exemption. Even exempted material, however, should be made available upon the request of any member of the public if, in the judgement of the releasing authority, no significant purpose would be served by withholding it from him, and its release is not inconsistent with OPNAVINST 5510.1C, Department of the Navy Security Manual for Classified Information; or statutory requirements. When a request is received for a copy of a document properly marked "For Official Use Only," or otherwise of a character which contains information exempt from disclosure, review thereof should be made to determine which portions, if any, may be disclosed; those portions should then be released. The following are types of records that may be withheld from public disclosure:

(1) *Security classified records.* Those security classified in the interest of national defense or foreign policy in accordance with OPNAVINST 5510.1C, Department of Navy Security Manual for Classified Information; or Executive order.

(2) *Internal rules and practices.* Those containing rules, regulations, orders, manuals, directives, and instructions relating to internal personnel guides and directions, or to the internal practices of the Department of the Navy. Examples include:

(i) Operating rules, guidelines, and manuals for Department of the Navy investigators, inspectors, auditors, and examiners, and schedules or methods which cannot be disclosed to the public without substantial prejudice to the effective performance of a significant function of the Department of the Navy. Some of these materials would reveal:

(*a*) Negotiating and bargaining techniques.

(*b*) Bargaining limitations and positions.

(*c*) Inspection schedules and methods.

(*d*) Audit schedules and methods.

(ii) Personnel and other administrative matters, including items such as, but not limited to, examination questions and answers used in training courses or in the determination of the qualifications of candidates for employment, entrance to duty, advancement, or promotion.

(3) *Statutory exemptions.* Those containing information authorized or required by statute to be withheld from the public. The authorization or requirement may be found in the terms of the statute itself, or in Executive orders or regulations authorized by, or in implementation of, the statute. Examples include:

(i) Trade and financial information provided in confidence by businesses (18 U.S.C. 1905).

(ii) National Security Agency information (50 U.S.C. 402).

(iii) Any records containing information relating to inventions which are the subject of patent applications on which Patent Secrecy Orders have been issued (35 U.S.C. 181–188).

(iv) Any records containing information relating to inventions in which the Government has a property interest, pending the securing of patent protection (35 U.S.C. 122).

(4) *Privileged information and records.* Those containing information which the Department of the Navy receives from anyone, including an individual, a foreign nation, an international organization, a State or local government, a corporation, or any other organization with the understanding that it will be retained on a privileged or confidential basis, or similar commercial or financial records which the Department of the Navy develops internally, if they are in fact the kinds of records which are normally considered privileged or confidential. Such records include documents containing:

(i) Information customarily considered privileged or confidential, such as information coming within the doctor-patient, lawyer-client, and priest-penitent privileges.

(ii) Commercial or financial information received in confidence in connection with loans, bids, or proposals, as well as other information received in confidence or privileged, such as trade secrets, inventions and discoveries, or other proprietary data.

(iii) Statistical data and commercial or financial information concerning contract performance, income, profits, losses, and expenditures, if received in confidence from a contractor or potential contractor.

(iv) Information such as research data, invention disclosures, patent applications, formulae, designs, drawings, and other technical data and reports, which are significant as items of valuable property acquired in connection with research, grants, or contracts, or would likely be held in confidence if owned by private parties.

(v) Personal statements given in the course of inspections or investigations, where such statements are received in confidence from the individual and retained in confidence.

(5) *Internal communications.* Except as provided in subdivision (ii) of this subparagraph, internal communications within and among agencies and components.

(i) Examples:

(*a*) Staff papers containing advice, opinion, or suggestions.

(*b*) Information received or generated by a component preliminary to a decision or action, including draft versions of documents, where premature disclosure would harm the authorized appropriate purpose for which the records are being used.

(*c*) Advice, suggestions, or reports prepared on behalf of the Department of the Navy by boards, committees, councils, groups, panels, conferences, commissions, task forces, or other similar groups that are formed by a component to obtain advice and recommendations.

(*d*) Records of Department of the Navy evaluations of contractors and their products, which in effect constitute recommendations or advice and would be used improperly to the advantage or to the detriment of private interests.

(*e*) Advance information on such matters as proposed plans to procure, lease, or otherwise acquire and dispose of materials, real estate, facilities, or functions when such information would provide undue or unfair competitive advantage to private personal interests.

(*f*) Records which are exchanged among Department of the Navy personnel, or with components of the Department of Defense, or other Government agencies preparing for anticipated legal proceedings before any Federal, State, or military court, or before any regulatory body. These include papers and advice exchanged internally in preparation for administrative settlement of potential litigation, such as claims against the Government.

(*g*) Reports of inspections, audits, investigations, or surveys which pertain to safety, security, or the internal management, administration, or operation of the Department of the Navy.

(ii) If any such intra- or inter-agency information requested would routinely be made available through the discovery process in the course of litigation with the agency, then it should not be withheld from the general public. If, however, the information would be made available only through the discovery process by special order of the court, based on the particular needs of a litigant balanced against the interests of the agency in maintaining its confidentiality, then the record or document should not be made available to a member of the general public.

(6) *Personnel and medical records.* Information in personnel and medical files, as well as information in similar files that, if disclosed to a member of the public, would result in a clearly unwarranted invasion of personal privacy.

(i) *Examples.* Examples of files similar to personnel and medical files include:

(a) Those compiled to evaluate or adjudicate the suitability of candidates for civilian employment, and the eligibility of individuals, civilian, military, or industrial, for security clearances.

(b) Files containing reports, records, and other material pertaining to personal matters in which administrative action, including disciplinary action, may be taken.

(ii) *Special considerations.* In determining whether the release of information would result in a clearly unwarranted invasion of privacy, consideration should be given, in cases such as those involving alleged misconduct, to the relationship of the alleged misconduct to an individual's official duties, the amount of time which has passed since the alleged misconduct, and the degree to which the individual's privacy has already been invaded. Thus, the release of information concerning alleged misconduct which is closely related to official duties, which has occured recently, and which has already been exposed to the public, is less likely to constitute a clearly unwarranted invasion of personal privacy. For example, after completion of appellate review, unclassified records of courts-martial proceedings should normally be made available. In determining whether or not disclosure to a member of the public would result in a clearly unwarranted invasion of privacy, consideration must be given also to the privacy of witnesses and the victim. (Records of court-martial proceedings may be made available at an earlier stage, if in the judgment of the Judge Advocate General or the general court-martial convening authority, as appropriate, disclosure would not interfere with the review of the case.) Also, in determining whether the release of information revealing victimization or other involvement with misconduct would result in a clearly unwarranted invasion of privacy, among the factors which must be considered are the amount of time which has passed since the incident, and whether the investigation or proceeding which was conducted was open to the public or closed.

(iii) *Protecting personal privacy.* When the sole and exclusive basis for withholding information is protection of the personal privacy of an individual, the information should not be withheld from him or from his designated legal representative. An individual's personnel, medical, or similar file may be withheld from him or from his designated legal representative for reasons other than the protection of his personal privacy when Civil Service Commission or other validly promulgated regulations so authorize.

(7) *Records of investigations.* Investigatory files compiled for the purpose of enforcing civil, criminal, or military law, including Executive orders, or regulations validly adopted pursuant to law (5 U.S.C. 301).

(i) Examples include:

(a) Statements of witnesses and other material based on information developed during the course of the investigation, and all materials prepared in connection with related Government litigation and adjudicative proceedings.

(b) Lists of firms or individuals suspended under procurement regulations when the lists are compiled in connection with investigations of irregularities.

(ii) The right of individual litigants to investigatory files currently available by law is not diminished.

(8) *Financial reports.* Those contained in or related to examination, operation, or condition reports prepared by, on behalf of, or for the use of any agency responsible for the regulation or supervision of financial institutions.

(9) *Geological and geophysical records.* Those containing geological and geophysical information and data (including maps) concerning wells.

(i) *Identification and marking "For Official Use Only".*

(1) *Identification.* Records which are not security classified under OPNAV INST 5510.1C, Department of the Navy Security Manual for Classified Information, but which are authorized by 5 U.S.C. 552 and DoD Instruction 5400.7 of June 23, 1967 (32 F.R. 9666) to be withheld from general public disclosure under paragraph (h) of this section, and which for a significant reason should not be given general circulation, shall be considered as being "For Official Use Only" (FOUO).

(2) *Marking folders, records, and files.* A record that is considered "For Official Use Only" may be marked "For Official Use Only" when such marking is deemed necessary to ensure that all persons having access to the record are aware that it should not be publicly released and should not be handled indiscriminately. Individual folders, records, and files covering specific kinds of subject matter, normally falling within the exemptions of paragraph (h) of this section (such as personnel and medical files, bids, proposals, and the like), which are covered by rules and regulations specifying what may be released publicly, do not require the "FOUO" marking unless transmitted under circumstances where marking is essential to ensure protection of the information involved.

(i) *Security classified records.* The marking shall not be used on records which are classified for security reasons under OPNAVINST 5510.1C, Department of the Navy Security Manual for Classified Information, but, if otherwise proper under this section, may be applied to information or material which has been declassified.

(ii) *Technical documents.* Information contained in a technical document for which a determination has been made that a distribution statement under NAVMATINST 4000.17, Distribution Statements (Other than Security) on Technical Documents, is appropriate, shall not be marked "FOUO".

(3) *Protection of unmarked FOUO material.* Material which is considered to be "For Offical Use Only" must be safeguarded from general disclosure, irrespective of whether the material is physically marked with the term "For Official Use Only."

(4) *Marking paragraphs.* Whenever necessary to ensure proper understanding, individual paragraphs which contain FOUO information shall be marked with the symbol "FOUO." In classified documents, this marking should be applied only to paragraphs which contain FOUO information and do not contain classified information.

(5) *Designating documents "FOUO".*

(i) *Responsibility for marking.* The originator or signing official, or higher authority, is responsible for marking a document that he has determined should be physically marked "For Official Use Only."

(ii) *Responsibility for advising stocking points.* Originators of Department of the Navy directives (Navy Instructions and Notices; Marine Corps Orders and Bulletins), or higher authority, also are responsible for advising stocking points when a directive that does not have the "FOUO" marking is for official use only, and not for general distribution to the public.

(a) *Navy Department components, naval systems commands, and MSTS.* The Chief of Naval Operations, the Chief of Naval Material, the heads of Navy Department bureaus and offices, commanders of systems commands, and the Commander, Military Sea Transportation Service will notify the Director, Navy Publications and Printing Service and the Librarian, Navy Department Library, within 60 days of November 6, 1967, of any issuance included in the Navy Directives System Consolidated Subject Index of Unclassified Instructions that is "For Official Use Only," and not available to the general public.

(b) *Headquarters, Marine Corps.* The Commandant of the Marine Corps is responsible for similarly notifying the Librarian, Navy Department Library, of any directives listed in the Marine Corps Directives System Quarterly Checklist that are "For Official Use Only," and not available to the general public.

(6) *Procedures for handling.* A Secretary of the Navy Instruction (SECNAVINST) specifying procedures for handling and safeguarding "For Official Use Only" material will be prepared by the Administrative Officer, Navy Department. It will be issued in the 5570 series, and will include procedures for marking, handling, transmitting, canceling, storing, removing markings on documents no longer requiring protection, and destroying FOUO material.

(j) *Release procedures*—(1) *General.* The policy of the Department of the Navy, as stated in paragraph (d)(1) of this section, is to make the maximum amount of information available to the public. Therefore, when a person requests that a record be made available, that request may be denied only upon a determination that:

(i) the applicant has failed unreasonably to comply with the procedural requirements imposed by this section;

(ii) the record is subject to one of the exemptions set forth in paragraph (h) of this section; or

(iii) the record cannot be found because it has not been identified adequately.

(2) *Reviewing requested records.* The presence or absence of the marking "For Official Use Only" does not relieve the releasing authority of his responsibility to review the requested record for the purpose of determining whether an exemption under paragraph (h) of this section is applicable.

(3) *Examination and reproduction of records.*—(i) *Examining records.* Authority to release a record includes authority to permit its examination. When authority to examine a record is granted, the examination normally will be permitted at the place where the record is kept or stored, during regular business hours, and under such circumstances and procedures as are reasonable and deemed appropriate by the custodian. Heads of activities may specify the room or other place where records in their custody may be examined. Unsupervised examination will not be permitted.

(ii) *Furnishing copies of records.* Original and official record copies of naval records may not be released, but copies may be furnished when properly requested. Substantive abstracts from records also may be furnished if requested or considered more feasible to do so because of workloads or other practical considerations.

(iii) *Furnishing copies of or examining published materials.* It is not required that materials published in the FEDERAL REGISTER in accordance with paragraph (e) of this section, or that are otherwise published and offered for sale, be furnished to requesters. However, requesters may be accommodated by making published materials available locally for inspection and reading, when it is reasonable to do so. Copies of such published materials also should be furnished, where practicable, as an accommodation. The normal fees for these copies will be charged, when appropriate.

(iv) *Examination and reproduction of records of trial by court-martial which are undergoing appellate review.* Inasmuch as unnecessary delay in the disposition of any case of a person accused of an offense and tried by court-martial is strictly prohibited by law (Article 98, Uniform Code of Military Justice; section 898, Title 10 United States Code), records of court-martial proceedings which are still undergoing appellate review will ordinarily not be made available for such purposes prior to completion of all appellate processes. Such records may, however, be made available for such purposes prior to completion of all appellate processes if, in the judgment of the Judge Advocate General with respect to records in his custody or before boards of review, or in the judgment of the cognizant officer exercising general court-martial jurisdiction, with respect to other records, such action would not interfere with the appellate action on the case.

(4) *Procedures for releasing naval records*—(i) *Release authorities.* When release is not otherwise prohibited by paragraph (h) of this section or other regulations, and is consistent with such JAG Manual provisions or instructions as may be applicable, commanding officers and heads of all Navy and Marine Corps activities (departmental and field) are authorized to make available records or other documentary material in their custody upon proper request. However, the following officials, only, are authorized to deny (as well as grant) requests, when the information sought relates to matters within their respective areas of assigned command responsibilities.

(*a*) In the Navy Department, the Civilian Executive Assistants, the Chief of Naval Operations, the Commandant of the Marine Corps, the Chief of Naval Material, the Chief of Naval Personnel, the Chief, Bureau of Medicine and Surgery, and heads of Navy Department offices and boards.

(*b*) In the shore establishment, commanders of systems commands and commandants of naval districts.

(*c*) In the operating forces, commanders in chief and the Commander, Military Sea Transportation Service.

The delegation in (*a*), (*b*), and (*c*) of this subdivision authorizes each named official to act both on directly received requests and on requests submitted by subordinate officials for a decision, and to release a record or information under his own authority, or to direct the forwarding official to release it.

(ii) *Releasing records.* Upon receipt of a proper request as outlined in paragraph (g) of this section, the commanding officer or head of an activity having custody of a record will provide the requester with access to, or copies of, naval records or information, unless he considers the material sought exempt under one or more of the provisions of paragraph (h) of this section. In such a case, he will forward the request to the cognizant command authority in (*a*), (*b*), and (*c*) of subdivision (i) of this subparagraph for a decision, except that, when the request is for a medical record held by a naval hospital or naval dispensary, it will be processed in accordance with the Manual of the Medical Department, Article 23-255. In determining releasability, he shall seek, as appropriate, the advice of his counsel or legal officer, his information officer, his records management officer, other concerned agencies or activities, and cognizant higher command authority. If undue delay is anticipated as a result, the requester should be advised. When the request is to inspect documentary material, the requester will be advised when and where the material may be examined and the fee, if any, for conducting a search for it. When a request is for a copy, the requester will be advised of the fee required, and that a copy will be furnished upon payment of the fee, except that, if the request is urgent and it is in the Government's interest to do so, a copy or copies may be furnished under the provisions of paragraph (g) (3) (i) (*b*) of this section.

(iii) *Denying release.* If the request is received by an activity below the level of denial, authorities named in paragraph (j) (4) (i) of this section, and in the opinion of the head of that activity the material sought is not releasable, he will forward the request for review and a final decision directly to the appropriate official delegated denial authority. Information copies will be sent to any officers or officials in the intermediate chain of command. He will provide full information, and his recommendations, including any he may have regarding possible release under provisions of paragraph (d) of this section.

(*a*) *Granting release upon review.* If, upon review of the forwarded request, the reviewing official determines the material is releasable, he will release it under his own authority and provide the forwarding official and others concerned with information copies, or he will direct the forwarding official to satisfy the request. In so doing, he will coordinate all matters relating to the release of exempted information that may (*1*) have public relations aspects with the Chief of Information, and (2) relate to actual or potential litigation, by or against the United States, with the Judge Advocate General or the General Counsel, as appropriate.

(*b*) *Denying release upon review.* If the reviewing official determines that the material requested is not releasable, he will advise the requester in writing that his request is denied, explaining the specific basis for the denial, including a reference to the appropriate paragraph (h) of this section exemption, and his opportunity to appeal the decision in writing to the Secretary of the Navy under paragraph (k) of this section procedures. He will provide information copies of the denial to (*1*) the official forwarding the request, (2) the Judge Advocate General or the General Counsel, whichever is appropriate, (3) the Administrative Officer, Navy Department, and (*4*) others concerned, including the Chief of Information when the request has public relations aspects.

(k) *Appeals to the Secretary of the Navy.*—(1) *Filing an appeal.* Appeals from denials of requests will be made to the Secretary of the Navy. A requester will not have exhausted his administrative remedies, for the purpose of the U.S. District Court review within the purview of 5 U.S.C. 552, until he has made such an appeal. It should be submitted to the officer who made the denial, and should specify the reasons upon which the appeal is based.

(2) *Processing an appeal.* When a written appeal to the Secretary of the Navy is filed, via the official who made the denial, this official will forward the appeal, with full information on the matter and his recommendations, to the Administrative Officer, Navy Department, acting for the Secretary. Information copies will be forwarded to cognizant higher authority within the Department of the Navy. The Judge Advocate General or the General Counsel will process the appeal and make final determinations, within their respective areas of responsibility for legal services (see SECNAVINSTs 5430.25C and 5430.27), and will

transmit the Department's determination, in writing, to the appellant. A copy of the final determination will be forwarded to the General Counsel of the Department of Defense in those instances in which the appellant seeks reconsideration by the Secretary of the Navy or initiates legal action to compel release of a record.

(l) *How the public requests records.* Requests from members of the public to inspect or obtain copies of documentary material or records should be made as follows:

(1) *Identifying material requested.* Requests, whether made by mail or in person, should include at least the following written information:

(i) As complete an identification as possible of the material being requested, including its title or a description and, when known, its date and the issuing authority, together with any other useful identifying information.

(ii) When the request concerns a civilian or military person, the full name, including middle name or initial, date of birth, and the serial or social security number of the person concerned, if known.

(iii) Whether the requester desires to inspect the record or obtain copies of it, or both.

(2) *Addressing requests.* Members of the public should direct their requests to the commanding officer or head of the activity where the record is located. When the official having custody of the record is not known, the request should be addressed to the originating official, or the official having primary responsibility for the subject matter involved, as follows:

(i) *Contract or procurement records.* Requests for records relating to procurement or contractual matters—to the contracting officer or to the procuring (purchasing) activity. When these are not known, the request may be submitted to the Chief of Naval Material (MAT 05), Washington, D.C. 20360.

(ii) *Civilian personnel records.* Requests involving the personnel records of civilians presently employed by the Department of the Navy—to the head of the activity where the person is employed, marked for the attention of the civilian personnel officer. If the request involves a former civilian employee, who has been separated from Federal employment for more than 30 days, direct the request to the Manager, National Personnel Records Center (Civilian Personnel Records), 111 Winnebago Street, St. Louis, Mo. 63118.

(iii) *Records involving legal matters.* Requests for records involving legal matters should be addressed as follows:

(*a*) *General Counsel matters.* Requests relating to (*1*) the acquisition, custody, management, transportation, taxation, and disposition of real and personal property, and the procurement of services, including the fiscal, budgetary, and accounting aspects thereof; excepting, however, tort claims and admiralty claims arising independently of contract, and matters relating to the naval petroleum reserves; (*2*) operations of the Military Sea Transportation Service, excepting tort and admiralty claims arising independently of contract; (*3*) the Office of the Comptroller of the Navy; (*4*) procurement matters in the field of patents, inventions, trademarks, copy-rights, royalty payments, and similar matters, including those in the Armed Services Procurement Regulation and Navy Procurement Directives and deviations therefrom; and (*5*) industrial security and claims and litigation concerning the foregoing—to the General Counsel, Department of the Navy, Washington, D.C. 20360.

(*b*) *Court-martial matters.* (*1*) Requests involving records of trial by general court-martial and special court-martial which (*i*) involve an officer accused or (*ii*) involve a sentence, which, as approved by the general court-martial convening authority, extends to a bad conduct discharge—to the Judge Advocate General, Department of the Navy, Washington, D.C. 20370.

(*2*) Requests involving records of trial of all other special courts-martial and summary courts-martial (after final action and a retention period at shore activities of 2 years and at fleet activities of 3 months)—to the Manager, National Personnel Records Center (Military Personnel Records), 9700 Page Boulevard, St. Louis, Mo. 63132.

(*c*) *All other legal matters.* Requests for records involving all other legal matters—to the Judge Advocate General, Department of the Navy, Washington, D.C. 20370.

(iv) *Medical records.* When requests involve the medical records of military personnel, dependents of military personnel, and other civilians, address them as follows:

(*a*) For Navy and Marine Corps officer and enlisted personnel and their dependents (other than those covered in (*b*) and (*c*) of this subdivision)—to the medical treatment activity where the record is maintained, if known. (This generally is the activity where the patient is being treated, or recently was treated, since records are forwarded to the receiving activity when a patient is transferred.) If the location of the record is not known, address the request to the Chief, Bureau of Medicine and Surgery (Code 334), Washington, D.C. 20390.

(*b*) For former Navy and Marine Corps personnel separated prior to 1913, and their dependents—to the Assistant Archivist for Military Archives, Office of Military Archives, National Archives and Records Service, GSA, Washington, D.C. 20408.

(*c*) For former Navy and Marine Corps personnel (other than those separated prior to 1913 and covered in (*b*) of this subdivision) and their dependents—to the Manager, National Personnel Records Center (Military Personnel Records), 9700 Page Boulevard, St. Louis, Mo. 63132.

(*d*) For civilian employees—to the medical activity or facility where the person is being treated or was recently treated and where the record is maintained, if known. If this is not known and the record has been retired (generally, if it is two years or more since date of last treatment), address request to the Manager, National Personnel Records Center (Civilian Personnel Records), 111 Winnebago Street, St. Louis, Mo. 63118.

(v) *Military personnel records.* The location of personnel records of military personnel depends upon the duty status of the person the request concerns. Accordingly, requests from persons who have a direct interest (see paragraph (h) (6)) of this section should be addressed as follows:

(*a*) Navy and Marine Corps personnel (regulars and reserves) on extended active duty and Navy officer personnel (reserve) not on active duty.

(*1*) Navy officer and enlisted personnel—to the Chief of Naval Personnel, Washington, D.C. 20370, marked for the attention of Pers E2 when the request concerns officer personnel, and for Pers E3 when the request concerns enlisted personnel.

(*2*) Marine Corps officer and enlisted personnel on extended active duty—to the Commandant of the Marine Corps (Code D), Washington, D.C. 20380.

(*b*) Navy and Marine Corps officer personnel and enlisted personnel transferred to the Fleet Reserve, discharged, retired, or deceased; and inactive enlisted reservists—to the Manager, National Personnel Records Center (Military Personnel Records), 9700 Page Boulevard, St. Louis, Mo. 63132, except if the request involves the record of a person in a status listed in (*1*) through (*5*) of this (*b*), address the request as indicated in (*a*) of this subdivision.

(*1*) Navy officer personnel who have been separated (discharged, retired, or deceased) for less than 1 year, and Marine Corps officer personnel who have been separated for less than 4 months.

(*2*) Navy and Marine Corps enlisted personnel (regulars and reserves) who have been separated for less than 4 months.

(*3*) Temporary disability retired Navy and Marine Corps officer and enlisted personnel.

(*4*) Inactive Navy and Marine Corps enlisted reservists affiliated with a reserve unit; and inactive Navy enlisted reservists who have more than 18 months of their military obligation to serve.

(*5*) Marine Corps officer reservists not on active duty.

(*c*) Former Navy personnel separated prior to 1893 and former Marine Corps personnel separated prior to 1885—to the Assistant Archivist for Military Archives, Office of the Military Archives, National Archives and Records Service, GSA, Washington, D.C. 20408.

(vi) *Marine Corps records.* Marine Corps records and indexes, when the officials listed in subdivisions (i) through (v) of this subparagraph are not known or appropriate—to the Commandant of the Marine Corps, Washington, D.C. 20380.

(vii) *Publications and indexes.* Publications, publication indexes, or indexes to Department of the Navy directives—to the Director, Navy Publications and

Printing Service, Washington Navy Yard, Washington, D.C. 20390.

(viii) *Other requests.* Other requests, when the appropriate official listed in subdivisions (i) through (vii) of this subparagraph, or other proper addressee, is not known—to the Administrative Officer, Navy Department, Washington, D.C. 20360. The Administrative Officer will forward the request to the proper official, or otherwise assist in satisfying the request.

(5 U.S.C. 301, 552)

Dated: December 4, 1967.

By direction of the Secretary of the Navy.

[SEAL] WILFRED HEARN,
Rear Admiral, U.S. Navy, Judge Advocate General of the Navy.

[F.R. Doc. 67-14280; Filed, Dec. 7, 1967; 8:45 a.m.]

Title 46—SHIPPING

Chapter II—Maritime Administration, Department of Commerce

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[General Order 61, 2d Rev.]

PART 221—DOCUMENTATION, TRANSFER OR CHARTER OF VESSELS

Miscellaneous Amendments

Reorganization Plan No. 1 of 1967 (32 F.R. 7049) provided for the transfer of certain functions of the Secretary of Commerce exercised, under delegation of authority, by the Maritime Administrator, to the Secretary of Transportation who delegated his authority thereunder to the Commandant, U.S. Coast Guard. (See detailed procedures in CGFR 67-37, F.R. Doc. 67-7108, 32 F.R. 8980, June 23, 1967.)

Pursuant to the foregoing, the words "collector of customs" in the introductory sentence of, and Forms MA-4557, MA-4559, MA-4560, MA-4561, and MA-4562 set forth in § 221.11 (46 CFR Part 221) should read "Officer in Charge, Marine Inspection, U.S. Coast Guard."

By order of the Acting Maritime Administrator.

Dated: December 6, 1967.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 67-14376; Filed, Dec. 7, 1967; 8:57 a.m.]

SUBCHAPTER C—REGULATIONS AFFECTING SUBSIDIZED VESSELS AND OPERATORS

[General Order 96, Rev., Amdt. 1]

PART 255—PAYMENTS FROM CAPITAL RESERVE FUND

Miscellaneous Amendments

Effective upon the date of publication hereof in the FEDERAL REGISTER, paragraph (a) of § 255.2 of this part and paragraph (a) of § 255.3 of this part are amended to read as follows:

§ 255.2 Definitions.

(a) A cargo container is defined as a new self-contained cargo carrying unit (with or without temperature or humidity control units) normally of rectangular configuration, susceptible of mechanical handling, for shipping a number of smaller packages or bulk material, that confines and protects the contents from loss or damage and can be handled efficiently and economically as a unit by, and in interchange between, the different modes of transportation which, on the basis of a reasonable forecast, may be expected to transport it, has an estimated useful life of five (5) years or more, is of domestic manufacture, and has a gross external cube of 640 cubic feet or more.

* * * * *

§ 255.3 Application.

(a) Application for permission to purchase or reconstruct cargo containers with monies from the Capital Reserve Fund, or from general funds if reimbursement from the Capital Reserve Fund is to be requested at a later date, shall be filed with the Maritime Administration not less than 60 days prior to the date the operator contemplates committing itself for the purchase or reconstruction of same unless specifically waived in individual cases by the Maritime Administration. The application, with respect to such cargo containers, shall state the size, type, quantity, construction material, vessel or vessels on which they are or can be used, estimated useful life, estimated cost, method of financing, and whether of domestic manufacture. In addition, the application shall specify the trade areas in which it is anticipated the containers will normally be utilized, the various transportation modes which are expected to be utilized in those trade areas, the extent of utilization of uniform industry standards in those trade areas, the economic feasibility of the proposed methods of container handling and interchange, and the degree of maximum penetration. Competitive bidding will be required in all cases of purchases or reconstruction unless specifically waived by the Maritime Administration. Copies of all bids received, the name of the seller or reconstruction contractor and any relationship existing between the operator and the seller or reconstruction contractor will be filed as a part of each application, either at the outset or as soon as available.

* * * * *

(Sec. 204, 49 Stat. 1987, as amended; 46 U.S.C. 1114)

Dated: December 6, 1967.

By order of the Acting Maritime Administrator/Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary.

[F.R. Doc. 67-14377; Filed, Dec. 7, 1967; 8:57 a.m.]

Proposed Rule Making

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 67-CE-134]

CONTROL ZONE

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the control zone at Detroit, Michigan.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief.

Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

Two new ILS public instrument approach procedures have been developed to serve Runway 27 at the Detroit Metropolitan Wayne County Airport, Detroit, Mich. Since these instrument approach procedures are not completely protected by controlled airspace, it is necessary to alter the Detroit, Mich. (Metropolitan Wayne County) control zone to provide protection for aircraft executing these new approach procedures.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.171 (32 F.R. 2071), the following control zone is amended to read:

DETROIT MICHIGAN (METROPOLITAN WAYNE COUNTY AIRPORT)

Within a 5-mile radius of Detroit Metropolitan Wayne County Airport (latitude 42°13'05" N., longitude 83°21'00" W.); within 2 miles each side of the Detroit Metropolitan Wayne County Airport ILS localizer southwest course, extending from the 5-mile radius zone to the OM; within 2 miles each side of the Detroit Metropolitan Wayne County Airport ILS localizer northeast course, extending from the 5-mile radius zone to the OM; and within 2 miles each side of the Detroit Metropolitan Wayne County Airport ILS east course, extending from the 5-mile radius zone to the OM, excluding the portion west of a line between the points of intersection of the 5-mile radius zone and the Detroit, Mich. (Willow Run) control zone.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on November 28, 1967.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 67-14297; Filed, Dec. 7, 1967; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-CE-152]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Columbia, Mo.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief.

Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

It is the policy of the Federal Aviation Administration to provide controlled airspace protection for primary air carrier direct routes. The primary air carrier direct route from Jefferson City, Mo., to Eldon, Mo., intersection on V-63 is not presently contained within controlled airspace. Consequently, it is necessary to alter the Columbia, Mo., 1,200-foot floor transition area to provide this protection. The present designation of the Columbia, Mo., 700-foot transition area will not be affected by this proposal.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (32 F.R. 2148), the following transition area is amended to read:

COLUMBIA, MO.

That airspace extending upward from 700 feet above the surface bounded on the north by latitude 39°09'00" N., on the west by longitude 92°31'00" W., on the south by latitude 38°53'30" N., on the east by longitude 92°14'00" W., and within 2 miles each side of the Columbia VOR 176° radial, extending from the VOR to 13 miles south of the VOR; and that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at latitude 38°38'40" N., longitude 92°31'00" W., thence north along longitude 92°31'00" W. to the south edge of V-12, thence east along the south edge of V-12 to a line 5 miles southeast of and parallel to the Jefferson City, Mo., VOR 041° radial, thence southwest along a line 5 miles southeast of and parallel to the Jefferson City VOR 041° and 221° radials to latitude 38°27'30" N., longitude 92°11'00" W., thence southwest to latitude 38°19'00" N., longitude 92°34'00" W., thence north to the point of beginning.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on November 27, 1967.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 67-14298; Filed, Dec. 7, 1967; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-WE-43]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71

of the Federal Aviation Regulations that would alter the transition area at Hoquiam, Wash.

As parts of these proposals relate to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices, by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 and Annex 11 to the Convention on International Civil Aviation (ICAO), which pertains to the establishment of air navigation facilities and services necessary to promoting the safe, orderly, and expeditious flow of civil air traffic. Its purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and Secretary of Defense in accordance with the provisions of Executive Order 10854.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 90007, Los Angeles, Calif. 90009. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the Office of the Regional Air Traffic Division Chief.

The 1,200-foot portion of the Hoquiam, Wash., transition area would be amended as follows:

That airspace extending upward from 1,200 feet above the surface within 8 miles north and 5 miles south of the Hoquiam VORTAC 068° and 248° True radials, extending from 13.5 miles east to 13 miles west of the VORTAC, and the area south of the Hoquiam VORTAC bounded on the east by the eastern boundary of VOR Federal airway No. 27 west alternate, on the south and west by the arc of a 13-mile radius circle centered on the Hoquiam VORTAC and on the north by a line 5 miles south of and parallel to the Hoquiam VORTAC 068° and 248° True radials, excluding the portion that would coincide with Warning Area W-237.

The proposed amendment is required to provide controlled airspace for a proposed VOR DME arc instrument approach procedure to Bowerman Field Runway 06.

This amendment is proposed under the authority of sections 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1948 and 1510) and Executive Order 10854 (24 F.R. 9565).

Issued in Washington, D.C., on November 30, 1967.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[F.R. Doc. 67-14299, Filed, Dec. 7, 1967; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67-CE-133]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the control zone and transition area at Grand Island, Nebr.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief.

Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

Following the designation of the Grand Island, Nebr., control zone and transition area, the original public use instrument approach procedures for Grand Island Municipal Airport have been modified by the addition of five DME arcs. Also, new ADF and ILS public use instrument approach procedures have been added to serve this airport. In addition, the Kansas City ARTC Center requires additional controlled airspace southeast and southwest of Grand Island for use by aircraft transitioning between airways. Since the present controlled airspace designations in the Grand Island terminal area do not adequately protect aircraft executing these modified and new instrument approach procedures or transitioning between airways, it is necessary to alter the Grand Island control zone and transition area to afford this protection.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

(1) In § 71.171 (32 F.R. 2071), the following control zone is amended to read:

GRAND ISLAND, NEBR.

Within a 5-mile radius of Grand Island Municipal Airport (latitude 40°58'04" N., longitude 98°18'51" W.); within 2 miles each side of the Grand Island VORTAC 360° radial, extending from the 5-mile radius zone to 8 miles north of the VORTAC; within 2 miles each side of the Grand Island VORTAC 304° radial, extending from the 5-mile radius zone to 8 miles northwest of the VORTAC; and within 2 miles each side of the Grand Island ILS localizer south course, extending from the 5-mile radius to the OM.

(2) In § 71.181 (32 F.R. 2148), the following transition area is amended to read:

GRAND ISLAND, NEBR.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Grand Island Municipal Airport (latitude 40°58'04" N., longitude 98°18'51" W.); within 5 miles east and 8 miles west of the Grand Island VORTAC 360° radial, extending from the 9-mile radius area to 12 miles north of the VORTAC; within 5 miles northeast and 8 miles southwest of the Grand Island, VORTAC 304° radial, extending from the 9-mile radius area to 12 miles northwest of the VORTAC; and within 2 miles each side of the Grand Island ILS localizer south course, extending from the 9-mile radius area to 8 miles south of the OM; and that airspace extending upward from 1,200 feet above the surface within the arc of a 17-mile radius circle centered on the Grand Island VORTAC, extending from the Grand Island VORTAC 273° radial clockwise to the Grand Island VORTAC 034° radial; within the arc of a 27-mile radius circle centered on the Grand Island VORTAC, extending from the Grand Island VORTAC 034° radial clockwise to the Grand Island VORTAC 273° radial; and within 5 miles east and 8 miles west of the Grand Island VORTAC 360° radial, extending from the 17-mile radius area to the

south edge of V–172, excluding the portion which overlies the Hastings, Nebr., transition area.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on November 27, 1967.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 67–14300; Filed, Dec. 7, 1967; 8:46 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67–WE–75]

CONTROL ZONE AND TRANSITION AREA

Proposed Designation and Alteration

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations which would designate a control zone and alter controlled airspace in the Montrose, Colo., terminal area.

Interested persons may participate in the proposed rule-making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 90007, Airport Station, Los Angeles, Calif. 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, Calif. 90045.

On or about March 28, 1968, the Federal Aviation Administration will commission the Montrose VOR at latitude 38°30'13" N., longitude 107°53'41" W. Establishment of this facility has resulted in the development of new public use approach, departure, and holding procedures. Therefore, it is proposed to designate a control zone and alter the transition area to provide controlled airspace protection for aircraft executing these instrument procedures. The Montrose VOR and a co-located Limited Remote Communications Outlet (LRCO) will be controlled by the FAA Flight Service Station, Grand Junction, Colo. Frontier Airlines will provide Montrose weather reporting service to Grand Junction Flight Service Station during those hours when the control zone is effective.

In view of the foregoing, the FAA proposes the following airspace actions:

In § 71.171 (32 F.R. 2071) the following control zone is added:

MONTROSE, COLO.

That airspace within a 5-mile radius of the Montrose County Airport (latitude 38°29'55" N., longitude 107°53'35" W.), and within 2 miles each side of the Montrose, Colo., VOR 313° radial extending from the 5-mile radius zone to 11 miles northwest of the VOR. This control zone is effective during the specific dates and times established in advance by Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

In § 71.181 (32 F.R. 2225) the Montrose, Colo., transition area is amended to read as follows:

MONTROSE, COLO.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Montrose County Airport (latitude 38°29'55" N., longitude 107°53'35" W.), within 2 miles each side of the Montrose VOR 313° radial extending from the 5-mile radius area to 11 miles northwest of the VOR; and that airspace extending upward from 1,200 feet above the surface within 6 miles northeast and 9 miles southwest of the Montrose VOR 313° and 133° radials extending from 19 miles northwest to 8 miles southeast of the VOR.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (72 Stat. 749; 49 U.S.C. 1348).

Issued in Los Angeles, Calif., on November 30, 1967.

LEE E. WARREN,
Acting Director, Western Region.

[F.R. Doc. 67–14301; Filed, Dec. 7, 1967; 8:47 a.m.]

[14 CFR Part 71]

[Airspace Docket No. 67–CE–131]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Vincennes, Ind.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief.

Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, Mo. 64106.

As a result of the development of a public use instrument approach procedure to serve O'Neal Airport, Vincennes, Ind., utilizing a privately owned radio beacon located on the airport as a navigational aid, it is necessary to designate a 700-foot floor transition area at Vincennes, Ind., to protect aircraft executing this approach procedure.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (32 F.R. 2148), the following transition area is added:

VINCENNES, IND.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of O'Neal Airport (latitude 38°41'18" N., longitude 87°33'12" W.); and within 2 miles each side of the 258° bearing from O'Neal Airport, extending from the 5-mile radius area to 8 miles west of the airport.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348).

Issued at Kansas City, Mo., on November 27, 1967.

DANIEL E. BARROW,
Acting Director, Central Region.

[F.R. Doc. 67–14302; Filed, Dec. 7, 1967; 8:47 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 298]

[Docket No. 19352]

CLASSIFICATION AND EXEMPTION OF AIR TAXI OPERATORS

Liability Insurance Requirements: Denial of Petitions for Rule Making To Redesignate and Issue Letters of Registration

DECEMBER 5, 1967.

Notice is hereby given that the Civil Aeronautics Board has under consideration a proposed amendment of Part 298 of its economic regulations (14 CFR Part 298) which would require all air taxi operators to maintain liability insurance coverage and register with the Board.

The principal features of the proposed amendment are described in the attached explanatory statement and the proposed amendment is set forth in the attached

proposed rule. The amendment is proposed under the authority of sections 204(a), 407, and 416 of the Federal Aviation Act of 1958, as amended (72 Stat. 743, 766, and 771; 49 U.S.C. 1324, 1377, and 1386).

Interested persons may participate in the proposed rule making through submission of twelve (12) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material received on or before January 22, 1968, will be considered by the Board before taking final action on the proposed rule. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 710, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

Explanatory statement. Part 298 (14 CFR Part 298) of the Board's economic regulations provides for the classification and exemption of air taxi operators. The New England Council, Inc., in Docket 18211 has petitioned the Board to amend Part 298 to redesignate scheduled air taxi operators as "local service airlines," and the petition of Association of Commuter Airlines (ACA) in Docket 18563 has requested that these carriers be redesignated "third level airlines." In addition, the ACA petition and a petition filed by the National Air Taxi Conference (NATC), Docket 18366, have requested that the Board adopt compulsory insurance, reporting and schedule filing requirements, as well as registration procedures, applicable to some or all of the air taxi operators. The American Trial Lawyers Association (ATLA) in Docket 18804 has also petitioned the Board to institute rule making proceedings to require all air taxi operators to carry insurance.

The Board has considered all of the proposals and finds that the petition of the New England Council and those of the ACA and NATC, to the extent the latter request rule making concerning letters of registration, reporting requirements, and redesignation of air taxi operators, do not disclose sufficient reasons to justify the institution of the public rule-making procedures requested. However, the Board has decided to institute rule-making proceedings to require that air taxi operators carry liability insurance and register annually with the Board, with the filing of schedules a part of this registration.

The redesignation of scheduled air taxi operators as "local service airlines" was requested on the ground that it would increase the public confidence in the industry and would more accurately describe their function. However, the public has come to associate the term "local service airline" with the present certificated local service carriers, and the application of this term to air taxis would be confusing and deceptive to the public. As for the term "third level airline," it is used and understood mainly by those within the industry and would be meaningless to the traveling public. In addition, the use of the term "air taxi" for for regulatory purposes does not prevent such an operator from adopting any other designation in dealing with the public provided that it is not deceptive. Accordingly, the petition of the New England Council, Inc., is denied, as is the applicable portion of the ACA petition.

The Board has decided to propose a requirement that air taxi operators carry liability insurance, as requested in three of the petitions. The proposed rule would apply to all air taxi operators. The Board believes that, in view of the growth of these carriers, the requirement is needed in order to protect the public's right to recover for losses incurred in accidents in which these carriers are involved. For the most part, no such protection exists at present, because less than 15 States have financial responsibility laws covering carriers by air, and most of these are inapplicable to carriers operating under Board authority. In addition, air taxi operators are the only carriers which the Board permits to operate without any showing of financial fitness.

The proposed regulations are patterned after the liability insurance requirements in Part 208 (14 CFR 208.10–208.15) applicable to the supplemental air carriers. As in the Part 208 requirements, such matters as the minimum limits of liability, the required scope of the coverage, and the permissible exclusions of liability are prescribed in order to guarantee that the insurance policies effectively protect the public.[1] However, due to the differences between the supplementals and air taxis in the types of aircraft used and the nature of their operations, the proposed requirements differ from those in Part 208 in a number of respects. Thus, considering the small size of air taxi aircraft, the minimum permissible limits of liability, per accident, to nonpassengers and for property damage have been lowered from $500,000 to $300,000.

Changes have also been made in the conditions of coverage and the permissible exclusions of liability. In light of the limitation on the size of aircraft which may be used under Part 298, the proposal requires that an operator's insurance policy cover all aircraft operated by the carrier, including after-acquired aircraft not specifically listed in the policy, although the insurer is permitted to exclude liability for aircraft over 12,500 pounds. And, because these aircraft have a limited range, the insurer may also exclude liability as to all operations outside of the Western Hemisphere and within Cuba. However, these provisions do not relieve the carrier of the obligation to procure insurance, consistent with the other provisions of the proposed regulations, to cover operations with large aircraft and operations which are outside the foregoing geographical limits. Primarily for the benefit of the public, each carrier will be required to post prominently at its principal base of operations a certificate of insurance, and to have available at its principal office its properly endorsed policy of liability insurance.

There remains the problem of adequately assuring compliance with the proposed requirements, and this must be considered in light of the large number of air taxi operators and the fact that many of them are small businesses. We have tentatively decided that requiring air taxi operators to file a minimal annual registration for their Part 298 exemptions would best serve to enforce the maintenance of liability insurance with a minimum of burden on the carriers and within the limits of the Board's budgetary capability. Such a procedure would also provide us with a vehicle for gathering very basic information as to the number of air taxi operators and the nature of their operations.

Carriers would register with the Board by filing a form, in duplicate, including their name, place of business, and whether the carrier conducts any scheduled operations. This form would have to be accompanied by a currently valid certificate of insurance, a $10 fee to cover the cost of processing the registration, and, in the case of a carrier conducting scheduled operations, a copy of its schedules. The Board would then stamp and return to the carrier one of the copies of the form submitted, indicating compliance with the registration requirement. We view this part of our proposal as somewhat tentative, and would welcome suggestions as to alternatives for the gathering of basic information relating to air taxis and for assuring compliance with the insurance requirement.

The Board believes, however, that at the present time it should not issue any form of license to air taxi operators, and therefore the petitions of the ACA and NATC will be denied in this respect. The ACA requests that certificates of registration be issued to scheduled air taxi operators, and the NATC makes a similar request as to all air taxi operators, but restricted to scheduled and interline operators should the administrative burden be too great. At the outset, the Board is met with a lack of information about air taxi operators which would indicate what, if any, form certification should take, and with budgetary limitations which limit its flexibility in regulating such a large group of carriers. In addition, neither petition has stated sufficient reasons for the Board to undertake such action, especially in view of the burden that would be imposed on both the carriers and the Board and the fact that the petitioners desire that the

[1] The proposed minimum limit of liability per passenger is $75,000, identical to that in Part 208. ATLA in its petition proposes that the minimum limit be $250,000 per passenger. Although we see no reason for having a higher limit than that required of the supplemental carriers, our proposal is not intended to foreclose discussion of this issue in the responsive comments, or to preclude the adoption of such a higher limit in the final rule.

Board maintain its present policy of applying a minimum of regulatory control over the air taxi operators. The Board believes that the issuance of certificates, licenses or letters of registration to air taxi operators would serve no useful purpose if standards of fitness were not imposed concurrently. Under Part 298, air taxi operators are granted broad exemptions from the provisions of the Act and are subject to minimal regulation by the Board. In our view, issuance of certificates of registration would indicate to the public a degree of regulation by the Board over these carriers which does not in fact exist. The Board has also decided that, while the proposed reporting requirements might have some value, we are not prepared to impose such requirements at the present time. We are, however, giving consideration to less burdensome methods of obtaining similar information which would be useful to us.

It is proposed to amend Part 298 of the Economic Regulations (14 CFR Part 298) as follows:

1. Add new subparagraphs (3) and (4) to § 298.3(a) to read as follows:

§ 298.3 Classification.

(a) There is hereby established a classification of air carriers, designated "air taxi operators" which engage in direct air transportation of passengers and/or property and/or in the transportation within the 48 contiguous States or Hawaii[2] of mail by aircraft and which:

* * * * *

(3) Have and maintain in effect liability insurance coverage in compliance with the requirements set forth in Subpart E of this part.

(4) Have registered with the Board in accordance with Subpart F of this part.

* * * * *

2. Add a new Subpart E to read as follows:

Subpart E—Liability Insurance Requirements

§ 298.41 Basic requirements.

(a) No air taxi operator shall engage in air transportation unless such carrier has and maintains in effect liability insurance coverage which complies with the requirements of this part and which is evidenced by a currently effective policy of insurance, with an attached standard endorsement, available for inspection by the Board and the public at its principal place of business; and, notwithstanding the provisions of § 298.44 (b), (g), and (h), no air taxi operator shall operate in air transportation any aircraft, or perform services in any geographical area, to which such insurance does not apply.

(b) "Certificate of insurance," as used herein, means one or more than one certificate, evidencing the following: Issuance by one or more than one insurer of one or more than one currently effective policy of aircraft liability insurance in compliance with this part and properly endorsed, which alone or in combination provides the minimum coverage prescribed in § 298.42. When more than one insurer is involved in providing the minimum coverage prescribed herein, the limits and types of liability assumed by each insurer shall be clearly stated in the certificate of insurance. Each certificate of insurance, and each endorsement limiting the permitted exclusions, shall be signed in ink by an authorized officer or agent of the insurer and shall be on forms prescribed and furnished by the Board.[3]

(c) The insurance coverage and certificate required by this part shall be obtained from a reputable and financially responsible insurance company or association which is legally authorized to issue aircraft liability policies in one or more states in the United States or in the District of Columbia.

(d) Each air taxi operator shall prominently post at the primary place where it deals with the public a copy of its currently effective certificate or certificates of insurance, and shall file a copy of each with the Board in accordance with Subpart F of this part.

§ 298.42 Minimum limits of liability.

The minimum limits of liability insurance coverage maintained by an air taxi operator shall be as follows:

(a) *Liability for bodily injury to or death of aircraft passengers.* A limit for any one passenger of at least seventy-five thousand dollars ($75,000), and a limit for each occurrence in any one aircraft of at least an amount equal to the sum produced by multiplying seventy-five thousand dollars ($75,000) by seventy-five percent (75%) of the total number of passenger seats installed in the aircraft.

(b) *Liability for bodily injury to or death of persons (excluding passengers).* A limit of at least seventy-five thousand dollars ($75,000) for any one person in any one occurrence, and a limit of at least three hundred thousand dollars ($300,000) for each occurrence.

(c) *Liability for loss of or damage to property.* A limit of at least three hundred thousand dollars ($300,000) for each occurrence.

§ 298.43 Terms and conditions of insurance coverage.

Insurance coverage required by this part shall meet the following minimum requirements:

(a) Insurance contracts shall provide for payment by the insurer on behalf of the insured air taxi operator, within the specified limits of liability, of all sums which the insured carrier shall become legally obligated to pay as damages for bodily injury to or death of any person, or for loss or damage to property of others (except as exclusion of coverage is permitted by § 298.44) resulting from the negligent operation, maintenance or use of aircraft in air transportation by the insured operator.

(b) The liability of the insurer shall apply to all operations by the insured operator in air transportation. The liability of the insurer shall not be subject to any exclusion by virtue of violations, by the insured operator, of any applicable safety or economic provision of the Federal Aviation Act of 1958, as amended, or of any applicable safety or economic rule, regulation, order, or other legally imposed requirement prescribed thereunder by the Federal Aviation Administration or the Civil Aeronautics Board or any other State or Federal law or regulation. No special waiver or exemption issued by the Federal Aviation Administration or the Civil Aeronautics Board shall affect the insurance afforded by the policy.

(c) The liability of the insurer shall not be contingent upon the financial condition, solvency, or freedom from bankruptcy of the insured. The limits of the insurer's liability for the amounts prescribed herein shall apply separately to each occurrence, and any payment made under the policy because of any one occurrence shall not reduce the liability of the insurer for payment of other damages resulting from any other occurrence.

(d) Within the limits of liability herein prescribed, the insurer shall not be relieved from liability by any condition in the policy or any endorsement thereon, or violation thereof by the insured air taxi operator, other than by the exclusions set forth in § 298.44 or such other exclusions as may be individually approved by the Board.

§ 298.44 Authorized exclusions of liability.

Each policy of insurance required by this part shall be amended by an endorsement (Standard Endorsement CAB Form _____) which limits exclusions of coverage under the policy to the following:

(a) Any loss against which the Named Insured has other valid and collectible insurance, except that the limits of liability provided under this policy shall be in excess of the limits provided by such other valid and collectible insurance up to the limits certified in a certificate of insurance, but in no event exceeding the limits of liability expressed elsewhere in this policy;

(b) Any loss arising from the ownership, maintenance, or use of any large aircraft;

(c) Liability assumed by the Named Insured under any contract or agreement, unless such liability would have attached to the Insured even in the absence of such contract or agreement;

(d) Bodily injury, sickness, disease, mental anguish, or death of any employee of the Named Insured while engaged in the duties of his employment, or any obligation for which the Named Insured or any company as his Insurer may be held liable under any workmen's compensation or occupational disease law;

(e) Loss of or damage to property owned, rented, occupied, or used by, or in

[2] The authority of air taxis to carry mail in Hawaii is limited to the markets where point-to-point regular service may be provided under this part.

[3] The proposed forms to this notice of rule making designated as Appendices A and B are filed as part of the original document.

the care, custody, or control of the Named Insured, or carried in or on any aircraft with respect to which the insurance afforded by this policy applies;

(f) Personal injuries or death, or damage to or destruction of property, caused directly or indirectly, by hostile or warlike action, including action in hindering, combating, or defending against an actual, impending or expected attack by any government or sovereign power, de jure or de facto, or military, naval, or air forces, or by an agent of such government, power, authority, or forces; the discharge, explosion, or use of any weapon of war employing atomic fission or atomic fusion, or radioactive materials; insurrection, rebellion, revolution, civil war, or usurped power, including any action in hindering, combating, or defending against such an occurrence; or confiscation by any government or public authority;

(g) Any loss arising from operations by the Named Insured outside of the Western Hemisphere or within Cuba: *Provided*, That a loss caused by mere misadventure in flying over or landing in such areas shall not be excluded;

(h) Any loss arising from operations by the Named Insured to or from installations of the Distant Early Warning System (DEW line) or the Ballistic Missile Early Warning System (BMEWS).

3. Add a new Subpart F to read as follows:

Subpart F—Registration for Exemption

§ 298.50 Filing for registration.

(a) Every air taxi operator shall register with the Board on or before February 1 of each year.

(b) Registration shall be accomplished by filing the following with the Board:

(1) A "Registration for Exemption as an Air Taxi Operator" (CAB Form _____) executed in duplicate.[4] This form shall be certified by a responsible official of such carrier and shall contain the following information: (i) Name of the individual or corporation operating the carrier and trade name of the carrier; (ii) the carrier's Federal Aviation Administration certificate number; (iii) address of its principal place of business and its mailing address; (iv) whether the carrier has conducted any scheduled operations during the previous calendar year; and (v) whether the carrier has currently effective liability insurance.

(2) The complete schedules, as of the previous December 31, of each air taxi operator conducting scheduled operations. In the case of seasonal or other scheduled operations performed during part of the year only, pursuant to schedules not in effect as of December 31, attach the most recent schedules.

(3) A currently effective certificate of insurance as defined by § 298.41(b).

(4) A ten (10) dollar registration fee. This shall be in the form of a check, draft, or postal money order, payable to the Civil Aeronautics Board.

§ 298.51 Processing by the Board.

After examination of an operator's filing under § 298.50, the Board will stamp and return to the carrier the duplicate copy of the CAB Form _____ filed under § 298.50(b)(1). This will serve to confirm that the carrier is registered with the Board in compliance with § 298.50.

[4] The proposed form to the notice of rule making designated as Appendix C is filed as part of the original document.

[F.R. Doc. 67-14303; Filed, Dec. 7, 1967; 8:47 a.m.]

FEDERAL TRADE COMMISSION

[16 CFR Part 415]

ADVERTISING OF NONPRESCRIPTION SYSTEMIC ANALGESIC DRUGS

Extension of Time for Comments Relating to Proposed Trade Regulation Rule

Notice of rule-making proceeding for the establishment of a Trade Regulation Rule for the advertising of nonprescription systemic analgesic drugs was published in the FEDERAL REGISTER issued July 6, 1967, 32 F.R. 9843.

Notice is hereby given that the Commission has reopened the public record for the purpose of receiving written data, views, or arguments concerning the proposed rule. The public record will remain open through February 8, 1968.

Approved: December 4, 1967.

By direction of the Commission.

[SEAL] JOSEPH W. SHEA, *Secretary.*

[F.R. Doc. 67-14305; Filed, Dec. 7, 1967; 8:47 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Antidumping—ATS 643.3–v]

REPRODUCTION CLOTH FROM ENGLAND

Determination of Sales at Not Less Than Fair Value

NOVEMBER 29, 1967.

On September 14, 1967, there was published in the FEDERAL REGISTER a "Notice of Tentative Determination" that reproduction cloth (base for tracing cloth) manufactured by Winterbottom Products Ltd., Lancashire, England, is not being, nor likely to be, sold at less than fair value within the meaning of section 201 (a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

The statement of reasons for the tentative determination was published in the above-mentioned notice, and interested parties were afforded until October 14, 1967, to make written submissions or to request in writing an opportunity to present views in connection with the tentative determination.

After consideration of all written submissions or requests received, I hereby determine that for the reasons stated in the tentative determination-reproduction cloth (base for tracing cloth) manufactured by Winterbottom Products Ltd., Lancashire, England, is not being, nor likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)).

This determination is published pursuant to section 201(c) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(c)).

[SEAL] TRUE DAVIS,
Assistant Secretary of the Treasury.

[F.R. Doc. 67–14319; Filed, Dec. 7, 1967; 8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bonneville Power Administration

CERTAIN OFFICIALS

Redelegations of Authority

The Redelegations of Authority published in the FEDERAL REGISTER November 14, 1964 (29 F.R. 15295), as amended January 29, 1965 (30 F.R. 957), August 13, 1965 (30 F.R. 10121), April 8, 1966 (31 F.R. 5577), May 28, 1966 (31 F.R. 7724), April 21, 1967 (32 F.R. 6304), and May 19, 1967 (32 F.R. 7464) are further amended as follows:

Section 1 is amended to read as follows:

1. *Acting Administrator—Succession and Authority.* a. The line of succession as Acting Administrator is prescribed in the Departmental Manual (302 IM 4.12) and provides that in case of the death, resignation, or absence of the Administrator, the following officers or employees shall act as Administrator in the order indicated:

(1) Deputy Administrator

(2) Assistant Administrator for Power Management (Power Manager)

(3) Assistant Administrator for Administrative Management (Director of administrative Management)

(4) Assistant Administrator for Engineering (Chief Engineer)

(5) In the event the above officials are unavailable, the Administrator may designate any one of the following to act as Adminintrator for a period not to exceed 7 days: Assistant Power Manager, Assistant Director of Administrative Management, Assistant Chief Engineer, Field Operations Officer, Assistant to the Administrator—Operations and Policy, or Executive Assistant to the Administrator.

b. The Acting Administrator shall perform the duties and exercise the powers of the Administrator except where otherwise provided by law, or Departmental regulation. Any person exercising the functions of the Acting Administrator shall sign documents as "Acting Administrator."

(302 DM 4.12)

Section 7 is amended by adding paragraph 7e. as follows:

7. *Land Activities.*

* * * * *

e. The Engineering Division Tort Claims Officer and the Field Contact Officers may, when the payment involved does not exceed $200, negotiate and execute agreements with property owners or tenants for temporary access to BPA rights-of-way. This authority may be exercised only when it is advantageous to the Government in terms of efficiency and economy to use such temporary access.

Section 10 is revised to read as follows:

10. *Claims.* a. The Head, Disbursement Audit Section, may compromise and finally settle such claims arising under contracts (except power contracts) as the Administrator is authorized to settle under the Bonneville Project Act as amended, 50 Stat. 731, 16 U.S.C. 832a to 8321 (1964).

b. (1) The Field Operations Officer may, when the amount involved does not exceed $500, exercise the authority of the Administrator under section 12(a) of the Bonneville Project Act as amended, with respect to determining, settling, compromising, or paying claims of or against the Administration for damage to real or personal property.

(2) Area Managers, designated Field Contact Officers, and the Engineering Division Tort Claims Officer each may exercise the authority described in subparagraph b.(1) of this section when the amount allowed does not exceed $200.

Dated: October 18, 1967.

KENNETH M. KLEIN,
Acting Administrator.

[F.R. Doc. 67–14286; Filed, Dec. 7, 1967; 8:45 a.m.]

Office of the Secretary

MONTANA

Redesignation of Certain Reserve Lands at the Fort Peck Indian Agency

Whereas, the U.S. Public Health Service, Division of Indian Health has need for the administrative use of two tracts of land within the Agency Reserve of the Fort Peck Reservation, these two tracts of land being situated in the SE¼SE¼ SE¼ sec. 1, NE¼NE¼ sec. 12, T. 27 N., R. 50 E.; lot 4, sec. 6; lot 7, sec. 7, T. 27 N., R. 51 E., principal meridian, Montana; and

Whereas, the Fort Peck Tribal Executive Board and the Commissioner of Indian Affairs have recommended the redesignation and transfer of the administrative use of these parcels to the U.S. Public Health Service, Division of Indian Health;

Now, therefore, pursuant to the authority contained in section 2 of the Act of Congress approved March 3, 1927 (44 Stat. 1402), the following described parcels of land are hereby redesignated for the administrative use of the U.S. Public Health Service, Division of Indian Health:

PARCEL NUMBER 1

Commencing at the northeast corner of sec. 12, T. 27 N., R. 50 E., M.P.M., Roosevelt County, Mont.; thence N. 87°18'00" W. a distance of 115.55 feet to the point of beginning; thence N. 86°24'00" E. a distance of 212.60 feet; thence S. 02°39'30" E. a distance of 136.81 feet; thence S. 86°30'00" W. a distance of 211.08 feet; thence N. 03°17'30" W. a distance of 136.33 feet to the point of beginning. Said parcel of land containing 0.589 acre.

PARCEL NUMBER 2

Commencing at the northeast corner of sec. 12, T. 27 N., R. 50 E., M.P.M., Roosevelt County, Mont.; thence S. 01°31'30" W. a distance of 559.38 feet to the point of beginning; thence N. 86°39'00" E. a distance of 118 feet; thence S. 04°20'30" W. a distance of 215 feet; thence N. 86°02'00" W. a distance of 115 feet; thence N. 03°47'30" E. a distance of 200 feet to the point of beginning. Said parcel of land containing 0.553 acres.

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

DECEMBER 4, 1967.

[F.R. Doc. 67–14311; Filed, Dec. 7, 1967; 8:48 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

KANSAS ET AL.

Notice of Authorization for Grazing and Harvesting of Hay on Diverted Acreage in Designated Counties

Notice is hereby given that the Secretary of Agriculture has authorized the grazing or harvesting of hay, as indicated, on acreage designated as diverted from the production of crops under the Soil Bank Program (7 CFR Part 750), the Cropland Adjustment Program (7 CFR Part 751), the Cropland Conversion Program (7 CFR Part 751), the Feed Grain Program (Part 775 of this chapter), and the Upland Cotton Program (7 CFR Part 722), in the counties listed below. The grazing and harvesting of hay on the diverted acreage shall be subject to the terms and conditions in the regulations for each program and instructions issued with respect thereto, which are available in the county ASCS offices. The designated counties are as follows:

GRAZING AND HARVESTING HAY

KANSAS

Clark.	Pawnee.
Comanche.	Phillips.
Decatur.	Pratt.
Ellis.	Rooks.
Gove.	Rush.
Graham.	Russell.
Hamilton.	Sheridan.
Hodgeman.	Smith.
Kiowa.	Stafford.
Lane.	Thomas.
Logan.	Trego.
Morton.	Wallace.
Ness.	

MISSOURI

Adair.	Jackson.
Andrew.	Johnson.
Atchison.	Knox.
Bates.	Lafayette.
Benton.	Lewis.
Boone.	Linn.
Buchanan.	Livingston.
Caldwell.	Macon.
Callaway.	Mercer.
Carroll.	Nodaway.
Cass.	Pettis.
Chariton.	Platte.
Clark.	Putnam.
Clay.	Randolph.
Clinton.	Ray.
Cooper.	St. Clair.
Daviess.	Saline.
De Kalb.	Schuyler.
Gentry.	Scotland.
Grundy.	Shelby.
Harrison.	Sullivan.
Henry.	Vernon.
Holt.	Worth.
Howard.	

TENNESSEE

Benton.	Haywood.
Carroll.	Henderson.
Chester.	McNairy.
Crockett.	Madison.
Hardeman.	Tipton.
Hardin.	

TEXAS

Brooks.	Kleberg.
Cameron.	Live Oak.
Duval.	Starr.
Hidalgo.	Willacy.
Jim Wells.	

Signed at Washington, D.C., on December 4, 1967.

CHARLES L. FRAZIER,
Acting Deputy Administrator for State and County Operations, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 67-14321; Filed, Dec. 7, 1967; 8:49 a.m.]

Office of the Secretary

IOWA, GEORGIA, MAINE, MISSISSIPPI, AND TENNESSEE

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), it has been determined that in the hereinafter-named counties in the States of Iowa, Georgia, Maine, Mississippi, and Tennessee, natural disasters have caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

IOWA

Emmet.

GEORGIA

Banks.	Heard.
Bartow.	Madison.
Carroll.	Morgan.
Chattooga.	Murray.
Clarke.	Oconee.
Floyd.	Oglethorpe.
Franklin.	Polk.
Gordon.	Stephens.
Haralson.	Walton.
Hart.	Whitfield.

MAINE

Androscoggin.	Oxford.
Aroostook.	Penobscot.
Cumberland.	Piscataquis.
Franklin.	Sagadahoc.
Hancock.	Somerset.
Kennebec.	Waldo.
Knox.	Washington.
Lincoln.	York.

MISSISSIPPI

Itawamba.	Grenada.
Tishomingo.	Leflore.

TENNESSEE

Crockett.	Lawrence.
Fayette.	Lincoln.
Franklin.	Madison.
Giles.	Marion.
Haywood.	McNairy.
Henderson.	Moore.
Lauderdale.	Tipton.

Pursuant to the authority set forth above, emergency loans will not be made in the above-named counties after June 30, 1968, except to applicants who previously received emergency or special livestock loans assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 5th day of December 1967.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 67-14322; Filed, Dec. 7, 1967; 8:49 a.m.]

DEPARTMENT OF COMMERCE

Bureau of the Census

RETAILERS' INVENTORIES, SALES, AND NUMBER OF ESTABLISHMENTS

Notice of Consideration To Continue Survey

Notice is hereby given that the Bureau of the Census is considering a proposal to repeat in 1968 the Annual Retail Trade Survey which has been conducted each year under Title 13, United States Code, sections 181, 224, and 225, to collect data covering year-end inventories, annual sales, cash and credit sales, and number of retail stores operated as of the end of the year. This survey, covering 1967, which provides important information on retail inventories and sales-inventory ratios, is the only continuing source available on a comparable classification basis and on a sufficiently timely basis for use as the benchmark for monthly inventory estimates. It also assists in establishing a benchmark for the geographic area distribution of sales.

On the basis of information and recommendations received by the Bureau of the Census, the data will have significant application to the needs of the public, the distributive trades, and governmental agencies, and are not publicly available from nongovernmental or other governmental sources.

Such a survey, if conducted, shall begin not earlier than 30 days after the publication of this notice in the FEDERAL REGISTER.

Reports will be required only from a selected sample of retail establishments in the United States. The sample will provide, with measurable reliability, statistics on the subjects specified above. Reports will be requested from sample stores on the basis of their sales size and/or location in Census Sample Areas. A group of the largest firms, in terms of number of retail stores, will be requested to report their sales and number of stores by county; but those firms which are participating monthly in the Bureau's geographic area survey will be asked to report at the national level only.

Copies of the proposed forms and a description of the collection methods are available on request to the Director, Bureau of the Census, Washington, D.C. 20233.

Any suggestions or recommendations concerning the subject matter of the proposed survey, submitted in writing

to the Director of the Bureau of the Census within 30 days after the date of this publication, will receive consideration.

Dated: November 22, 1967.

A. ROSS ECKLER,
Director, Bureau of the Census.

[F.R. Doc. 67-14279; Filed, Dec. 7, 1967; 8:45 a.m.]

ATOMIC ENERGY COMMISSION

STATE OF COLORADO

Proposed Agreement for Assumption of Certain AEC Regulatory Authority

On October 10 (32 F.R. 14069), October 17 (32 F.R. 14337), October 24 (32 F.R. 14698), and October 31 (32 F.R. 15049), 1967, the U.S. Atomic Energy Commission published in the FEDERAL REGISTER for public comment a proposed agreement received from the Governor of the State of Colorado for the assumption of certain of the Commission's regulatory authority pursuant to section 274 of the Atomic Energy Act of 1954, as amended. The proposed agreement as published included a proposed effective date of January 1, 1968.

Notice is hereby given that the proposed effective date is changed from January 1, 1968, to February 1, 1968.

Dated at Washington, D.C., this 5th day of December 1967.

For the Atomic Energy Commission.

W. B. MCCOOL,
Secretary.

[F.R. Doc. 67-14359; Filed, Dec. 7, 1967; 8:49 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 18650; Order E-26066]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Specific Commodity Rates

DECEMBER 4, 1967.

Issued under delegated authority.

An agreement has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter dated October 26, 1967,[1] as set forth in the attachment hereto,[2] (1) names rates under new commodity descriptions, (2) names one rate under an existing commodity description, and (3) cancels rates under existing commodity descriptions. The proposed rates reflect reductions ranging from 36 to 43.5 percent and are consistent with the present level of specific commodity rates within this area. Additionally, the agreement reduces the minimum weight for Commodity Item 1051—Horses and Cattle—from 500 to 100 kilograms from Buenos Aires/Santiago to Miami/Panama City.[3]

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find the subject agreement to be adverse to the public interest or in violation of the Act, provided that approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered, That:

Agreement CAB 19654, R-38 through R-45, be approved: *Provided,* That approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within 10 days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof is filed, or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 67-14309; Filed, Dec. 7, 1967; 8:47 a.m.]

[Docket No. 19351; Order E-26069]

PAN AMERICAN WORLD AIRWAYS, INC.

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 5th day of December 1967.

By tariff revisions,[1] filed November 6, 1967, and marked to become effective December 6, 1967, Pan American World Airways, Inc. (PAA), proposes to establish reduced fare transportation at 25 percent of the applicable fare for cargo sales agents located in the U.S.A./Canada traveling wholly between the continental U.S.A. and Alaska/Hawaii. Under the proposal, authorized cargo sales agency representatives (1) may take no more than two trips per calendar year per authorized agency office location; (2) must commence the outward portion of travel during the calendar year in which the ticket is issued with all travel being completed within 3 months from the date of issuance; and (3) are eligible for reduced fare transportation provided that the agent has been on the IATA approved list of agents continuously for at least 1 year prior to the date of application for such transportation. The tariff proposal does not bear an expiry date.

PAA has filed no substantive support for its proposal to provide reduced fare transportation for cargo sales agents between Alaska/Hawaii and continental U.S.A. points. There has been no showing that the significant fare reductions proposed by the carrier would aid the development of air cargo traffic in domestic markets, or that the disapproval of such reduced fares would be detrimental to the carrier or to the welfare of the air transport industry. The Board finds that PAA's tariff proposal and resulting fares may be unjust and unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and has determined to investigate the proposal and to suspend its effectiveness pending such investigation.

The Board finds that its action herein is necessary and appropriate in order to carry out the provisions and objectives of the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof.

Accordingly, it is ordered, That:

1. An investigation is instituted to determine whether the fares and provisions in Rule 60 on Original Pages 40-E and 40-F of Airline Tariff Publishers, Inc., agent, CAB No. 43, only insofar as such fares and provisions apply to cargo sales agents traveling wholly between the continental U.S.A., on the one hand, and Alaska or Hawaii, on the other, and rules, regulations, and practices affecting such fares and provisions, are or will be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful fares and provisions, and rules, regulations, or practices affecting such fares and provisions;

2. Pending hearing and decision by the Board, the fares and provisions in Rule 60 on Original Pages 40-E and 40-F of Airline Tariff Publishers, Inc., agent, CAB No. 43, only insofar as such fares and provisions apply to cargo sales agents traveling wholly between the continental U.S.A., on the one hand, and Alaska or Hawaii, on the other, are suspended and their use deferred to and including March 4, 1968, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The proceeding ordered herein be assigned for hearing before an Examiner of the Board at a time and place hereafter to be designated; and

4. Copies of this order be filed with the aforesaid tariff and be served upon Pan American World Airways, Inc., which is hereby made a party to this proceeding.

[1] Received in the Board Nov. 1, 1967.
[2] Filed as part of the original document.
[3] R-44.
[1] Airline Tariff Publishers, Inc., agent, Tariff CAB No. 43, Rule 60.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON, *Secretary.*

[F.R. Doc. 67-14310; Filed, Dec. 7, 1967; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket No. RI64-667]

JAY J. HARRIS ET AL., AND HUGH McMILLAN [1]

Order Amending Orders Issuing Certificates, Making Predecessor Co-Respondent, Accepting Successor's Agreement and Undertaking, and Redesignating Proceeding

DECEMBER 1, 1967.

On September 11, 1967, Jay J. Harris (Harris) filed an agreement and undertaking in the above-designated proceeding which contains a request that paragraph (X) on page 7 of the Commission's order of June 29, 1967, issuing certificates [2] be amended to make Jay J. Harris et al., co-respondents in the proceeding in Docket No. RI64-667, in order that Jay J. Harris et al., be held responsible for refunds only from February 10, 1967, the date they acquired the interest of Hugh McMillan. The suspended rate in Docket No. RI64-667 became effective subject to refund on May 18, 1964.

Paragraph (X) of the Commission's aforementioned order issued June 29, 1967, provides: "Jay J. Harris et al., are substituted in lieu of Hugh McMillan as respondent in the proceeding pending in Docket No. RI64-667 and said proceeding is redesignated accordingly".[3] The reason for that provision was that Harris in his certificate application indicated a willingness to take over the refund obligation of his predecessor, Hugh McMillan. By his subject request, Harris seeks to be relieved of the assumption of his predecessor's liability. Inasmuch as Harris was not required by the Commission to assume the predecessor's liability, we believe it appropriate to grant his request.

The Commission finds: It is necessary and proper in carrying out the provisions of the Natural Gas Act and the Regulations thereunder, that paragraph (X) of the Commission's order issued June 29, 1967,[2] be amended to make the predecessor, Hugh McMillan, co-respondent with Jay J. Harris et al., in the rate suspension proceeding in Docket No. RI64-667; that the proceeding be redesignated accordingly, and that the agreement and undertaking filed by Jay J. Harris et al., on September 11, 1967, be accepted for filing.

The Commission orders:

(A) Paragraph (X) of the Commission's order issued June 29, 1967 [2] is amended to make Hugh McMillan a co-respondent with Jay J. Harris et al., in the proceeding in Docket No. RI64-667, and such proceeding is redesignated as "Jay J. Harris et al., and Hugh McMillan".

(B) The agreement and undertaking filed by the successor Jay J. Harris et al., appears to be satisfactory and is accepted for filing.

(C) Hugh McMillan will continue to be responsible under his undertaking filed with the Commission on June 24, 1964, for refund of any excess charges collected in Docket No. RI64-667 prior to the date of transfer of his interest to Jay J. Harris et al., on February 10, 1967. The successor, Jay J. Harris et al., shall be responsible for refund of any excess charges collected in said docket from February 10, 1967, the date they acquired the interest of Hugh McMillan.

(D) Jay J. Harris et al., shall comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

By the Commission.

[SEAL] GORDON M. GRANT, *Secretary.*

[F.R. Doc. 67-14281; Filed, Dec. 7, 1967; 8:45 a.m.]

FEDERAL RESERVE SYSTEM

QUINCY TRUST CO.

Order Approving Merger of Banks

In the matter of the application of Quincy Trust Co. for approval of merger with Dedham Trust Co.

There has come before the Board of Governors, pursuant to the Bank Merger Act (12 U.S.C. 1828(c)), an application by Quincy Trust Co., Quincy, Mass., a State member bank of the Federal Reserve System, for the Board's prior approval of the merger of that bank and Dedham Trust Co., Dedham, Mass., under the charter of the former and title of Hancock Bank and Trust Co. As an incident to the merger, the six offices of Dedham Trust Co. would become branches of the resulting bank. Notice of the proposed merger, in form approved by the Board, has been published pursuant to said Act.

Upon consideration of all relevant material in the light of the factors set forth in said Act, including reports furnished by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, and the Attorney General on the competitive factors involved in the proposed merger,

It is hereby ordered, for the reasons set forth in the Board's Statement [1] of this date, that said application be and hereby is approved: *Provided,* That said merger shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order.

Dated at Washington, D.C., this 30th day of November 1967.

By order of the Board of Governors.[2]

[SEAL] MERRITT SHERMAN, *Secretary.*

[F.R. Doc. 67-14285; Filed, Dec. 7, 1967; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 7-2781—7-2790]

AMP, INC., ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

DECEMBER 4, 1967.

In the matter of applications of the Boston Stock Exchange for unlisted trading privileges in certain securities.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
AMP, Inc.	7-2781
Amphenol Corp. (Delaware)	7-2782
Arizona Public Service Co.	7-2783
Atlantic Research Corp.	7-2784
Automatic Sprinkler Corporation of America	7-2785
Continental Air Lines, Inc.	7-2786
Crown Zellerbach Corp.	7-2787
Eastern Utilities Associates	7-2788
Manpower, Inc.	7-2789
Monogram Industries, Inc.	7-2790

Upon receipt of a request, on or before December 19, 1967, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the

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[1] Formerly Hugh McMillan. Redesignated as Jay J. Harris et al., by the Commission's order issued June 29, 1967.

[2] In the proceeding entitled Humble Oil & Refining Co. (Operator) et al., Docket Nos. G-6365 et al.

[3] Jay J. Harris et al.

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or the Federal Reserve Bank of Boston.

[2] Voting for this action: Vice Chairman Robertson, and Governors Mitchell, Maisel, Brimmer, and Sherrill. Absent and not voting: Chairman Martin, and Governor Daane.

date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-14312; Filed, Dec. 7, 1967; 8:48 a.m.]

[File Nos. 7-2798, 7-2800]

FOREMOST-McKESSON, INC., AND WARNER BROS., SEVEN ARTS, LTD.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

DECEMBER 4, 1967.

In the matter of applications of the Philadelphia - Baltimore - Washington Stock Exchange for unlisted trading privileges in certain securities.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Foremost-McKesson, Inc	7-2798
Warner Bros., Seven Arts, Ltd	7-2800

Upon receipt of a request, on or before December 19, 1967, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-14313; Filed, Dec. 7, 1967; 8:48 a.m.]

INTERAMERICAN INDUSTRIES, LTD.

Order Suspending Trading

DECEMBER 4, 1967.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the capital stock of Interamerican Industries, Ltd., Calgary, Alberta, Canada, being traded in the United States otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in the United States in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period December 5, 1967, through December 14, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-14314; Filed, Dec. 7, 1967; 8:48 a.m.]

[File No. 7-2799]

MID-AMERICA PIPELINES CO.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

DECEMBER 4, 1967.

In the matter of application of the Pittsburgh Stock Exchange for unlisted trading privileges in a certain security.

The above-named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchange:

Mid-America Pipelines Co., File No. 7-2799.

Upon receipt of a request, on or before December 19, 1967, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-14315; Filed, Dec. 7, 1967; 8:48 a.m.]

[File No. 1-1277]

PENROSE INDUSTRIES CORP.

Order Suspending Trading

DECEMBER 4, 1967.

The common stock $2 par value, of Penrose Industries Corp., being listed and registered on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and the 5 percent cumulative convertible preferred stock, $20 par value of Penrose Industries Corp., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such Exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the American Stock Exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period December 5, 1967, through December 14, 1967, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-14316; Filed, Dec. 7, 1967; 8:48 a.m.]

[File Nos. 7-2791—7-2797]

RESEARCH-COTTRELL, INC., ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

DECEMBER 4, 1967.

In the matter of applications of the Boston Stock exchange for unlisted trading privileges in certain securities.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Research-Cottrell, Inc	7-2791
Scudder Duo-Vest, Inc	7-2792
Signal Oil & Gas Co	7-2793
L.S. Starrett Co	7-2794
United Industrial Corp	7-2795
White Consolidated Industries, Inc	7-2796
Wilson & Co., Inc	7-2797

Upon receipt of a request, on or before December 19, 1967, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-14317; Filed, Dec. 7, 1967; 8:48 a.m.]

[70-4561]

CONNECTICUT LIGHT AND POWER CO.

Notice of Proposed Issue and Sale of First and Refunding Mortgage Bonds and Preferred Stock at Competitive Bidding

DECEMBER 4, 1967.

Notice is hereby given that the Connecticut Light and Power Co. ("CL&P"), Seldon Street, Berlin, Conn. 06037, a public-utility subsidiary company of Northeast Utilities, a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transactions.

CL&P proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, $20 million principal amount of first and refunding mortgage _____ percent Bonds, Series T, due January 1, 1998. The interest rate of the bonds (which will be a multiple of one-eighth of 1 percent and the price, exclusive of accrued interest, to be paid to CL&P (which will be not less than 99 percent nor more than 102¾ percent of the principal amount thereof) will be determined by the competitive bidding. The bonds will be issued under the indenture of mortgage and deed of trust dated May 1, 1921, between CL&P and Bankers Trust Co., trustees, as heretofore supplemented and amended and as to be further supplemented by a supplemental indenture to be dated as of January 1, 1968.

CL&P also proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, 300,000 shares of its $_____ preferred stock—Series G, $50 par value. The dividend rate of the preferred stock (which will be a multiple of $0.04) and the price, exclusive of accrued dividends, to be paid to CL&P (which will be not less than $50 nor more than $51.375 per share) will be determined by the competitive bidding.

The application states that CL&P intends to use the proceeds from the sale of the bonds and preferred stock to repay bank loans, estimated to be outstanding in the aggregate amount of $35 million at the time of such sales. Such bank borrowings have been or will be incurred to finance, in part, CL&P's construction program and to supply funds in 1967 for its investment in Connecticut Yankee Atomic Power Co. and other nuclear generating companies. CL&P estimates that no additional financing will be required for construction, investments in nuclear generating companies, and other corporate purposes during 1968 except for short-term borrowings which are expected to be outstanding as of December 31, 1968, in the aggregate principal amount of approximately $43 million. CL&P's construction program contemplates construction expenditures of approximately $61 million for 1968.

The application further states that the issue of the bonds and preferred stock is subject to the jurisdiction of the Connecticut Public Utilities Commission. A statement of fees and expenses incident to the issue and sale of the bonds and preferred stock will be filed by amendment.

Notice is further given that any interested person may, not later than December 28, 1967, request in writing that a hearing be held in respect of such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified should the Commission order a hearing in respect thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service thereof (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-14238; Filed, Dec. 7, 1967; 8:45 a.m.]

[70-4560]

KENTUCKY POWER CO.

Notice of Proposed Acquisition of Utility Assets From Nonassociate Company

DECEMBER 4, 1967.

Notice is hereby given that Kentucky Power Co. ("Kentucky"), 15th Street and Carter Avenue, Ashland, Ky. 41101, an electric utility subsidiary company of American Electric Power Co., Inc., a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 9 and 10 of the Act as applicable to the proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

Kentucky proposes to acquire from Mountain Investment, Inc., for a cash consideration of $200,000, the electric distribution system serving the incorporated community of Wheelwright, Ky. The system serves approximately 400 customers. The items of property to be acquired include approximately 5.67 miles of electric distribution lines and appurtenant meters, and transformers. The amount of Kentucky's offer for the Wheelwright property was determined after arm's-length bargaining.

The application states that the community served by the electric distribution system as well as the system itself was originally part of a "coal camp" owned by the Inland Steel Corp., that none of the prior owners or operators of the system considered itself to be a public utility, and that, as a result, only limited financial records exist with respect to the electric system. Kentucky is informed that the operating receipts of the Wheelwright electric system were approximately $50,000 during 1966. The application states that Kentucky's present rates will result in reduced rates for electric service to most of the Wheelwright customers, that Kentucky expects to increase its revenues from the first full year of its operation of the Wheelwright system by increasing kilowatt-hour sales and by improving service, and that Kentucky can provide the Wheelwright customers with substantially more reliable and economical service than is presently feasible. The Wheelwright property is situated in the territory generally served by Kentucky, and the facilities proposed to be acquired are to be integrated with the existing facilities of Kentucky. The properties proposed to be acquired will be recorded by Kentucky at original cost

with an appropriate reserve to reflect applicable depreciation as required by the regulatory commissions having jurisdiction.

The application states that no State or Federal commission, other than this Commission, has jurisdiction over the acquisition of the Wheelwright property by Kentucky, but that Kentucky is required to obtain authority from the Public Service Commission of the State of Kentucky to obtain a franchise from the incorporated community of Wheelwright to operate the electric distribution system proposed to be acquired. No expenses are to be incurred by Kentucky in connection with the proposed transaction except for legal expenses estimated not to exceed $300.

Notice is further given that any interested person may, not later than December 21, 1967, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission (pursuant to delegated authority).

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 67-14289; Filed, Dec. 7, 1967; 8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

DECEMBER 5, 1967.

Protests to the granting of an application must be prepared in accordance with Rule 1.40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 41180—*Clay, kaolin, or pyrophyllite to Bloomington, Ind.* Filed by O. W. South, Jr., agent (No. A-5071), for interested rail carriers. Rates on clay, kaolin, or pyrophyllite, in carloads, from Letohatchie and Montgomery, Ala., to Bloomington, Ind.

Grounds for relief—Market competition.

Tariff—Supplement 278 to Southern Freight Association, agent, tariff ICC S-40.

FSA No. 41181—*Grain and grain products from points in Montana.* Filed by North Pacific Coast Freight Bureau, agent (No. 67-4), for interested rail carriers. Rates on grain and grain products, in carloads, from points in Montana on the Great Northern Railway Co., to points in Oregon and Washington.

Grounds for relief—Unregulated truck and truck-barge competition.

Tariff—Supplement 16 to North Pacific Coast Freight Bureau, agent, tariff ICC 1117.

FSA No. 41182—*Grain and grain products from points in Montana.* Filed by North Pacific Coast Freight Bureau, agent (No. 67-5), for interested rail carriers. Rates on grain and grain products, in carloads, from points in Montana on the Chicago, Milwaukee, St. Paul and Pacific Railroad Co., to points in Oregon and Washington.

Grounds for relief—Unregulated truck and truck-barge competition.

Tariff—Supplement 16 to North Pacific Coast Freight Bureau, agent, tariff ICC 1117.

By the Commission.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-14306; Filed, Dec. 7, 1967; 8:47 a.m.]

[Notice 60]

MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 5, 1967.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 279), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-69898. By order of October 31, 1967, the Transfer Board approved the transfer to Massive Trucking, Inc., Clifton, N.J., of that portion of the operating rights of Osar Trucking Co., Inc., Clifton, N.J., in certificate No. MC-45630, issued April 5, 1963, authorizing the transportation, over irregular routes, of general commodities, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between points in Bergen, Essex, Hudson, and Passaic Counties, N.J. John M. Zachara, Post Office Box Z, Paterson, N.J. 07509, representative for applicants.

No. MC-FC-70027. By order of November 24, 1967, the Transfer Board approved the transfer to Ken Roy Service, Inc., Westbury, Long Island, N.Y., of the operating rights in permit No. MC-82872 (Sub-No. 1), issued September 6, 1962, to Steve's Express, Inc., Hoboken, N.J., authorizing the transportation of, such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses, and equipment, materials and supplies used in the conduct of such business, between specified points and areas in New York, New Jersey, and Connecticut. Edward M. Alfano, 2 West 45th Street, New York, N.Y. 10036, attorney for transferor. Jerome G. Greenspan, 404 Clarendon Road, Uniondale, N.J. 11553, attorney for transferee.

No. MC-FC-70029. By order of November 24, 1967, the Transfer Board approved the transfer to Donald Lefebvre, doing business as Lefebvre Trucking, Rice Lake, Wis., of certificate No. MC-109687, issued August 16, 1948, to Donald Lefebvre and Gene Lefebvre, a partnership, doing business as Lefebvre Brothers, Rice Lake, Wis., and authorizing the transportation of livestock, between South St. Paul, Minn., on the one hand, and, on the other, points (except incorporated municipalities) in the towns of Rice Lake, Doyle, Cedar Lake, Oak Grove, Bear Lake, Sumner, Barron, Stanfold, Stanley, and Chetek, in Barron County, Wis., and in the town of Birchwood, in Washburn County, Wis., and farm machinery, seed, and animal and poultry feed, from Minneapolis and St. Paul, Minn., to points (except incorporated municipalities) in the towns specified hereinbefore.

[SEAL] H. NEIL GARSON, *Secretary.*

[F.R. Doc. 67-14307; Filed, Dec. 7, 1967; 8:47 a.m.]

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